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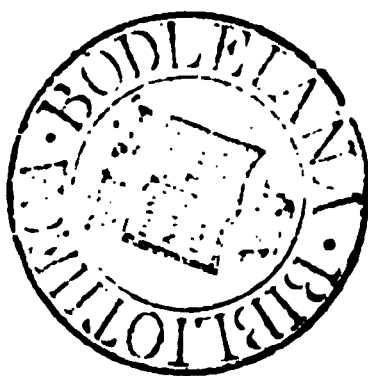
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THE IRISH LANDLORD
SINCE THE REVOLUTION.

WITH NOTICES OF
ANCIENT AND MODERN LAND TENURES
In Various Countries.

BY
THE REV. PATRICK LAVELLE, P.P., CONG.



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DEDICATION.

TO GEORGE HENRY MOORE, ESQ., M.P.

MY DEAR MR. MOORE,

To you as a dear personal friend, an incorruptible politician, a sterling patriot, and especially as a true and constant advocate of the Irish tenants' rights, and a practical tenant-righter yourself, I, with your kind permission, feel proud to dedicate the following pages. As an accomplished scholar, a brilliant writer, and a finished orator, your pre-eminence is admitted by all ; and if I refer to it here, it is because you ever make your intellectual gifts and attainments subsidiary to the cause of creed and country.

A hundred cares, labours, and distractions, must plead my apology for the many shortcomings of this little Work. Indeed, I can safely say that I hardly ever sat down to its production without many interruptions—a very long one even, since, a few minutes ago, I began to write these dedicatory words.

Hoping, with almost every true lover of his country, on both sides of the Channel, that such a land measure as will secure to the Irish tenant a sure foothold in the land of his

birth and love, without interfering with any one right of the landlord, except the long possessed and long exercised right to do wrong, will become the law of the land,

I am, my dear Friend,

Very truly yours,

PATRICK LAVELLE.

INTRODUCTION.

THE following pages are one of the results of the late celebrated action for libel—"M'Culloch *versus* Knox," tried in the Court of Queen's Bench, Dublin, in the month of June last, and the report of which will be found in the Appendix.

My original intention was merely to address a letter, through the Press, to the present Prime Minister of England, calling his special attention both to that case and the case of Mrs. Lavelle, as also furnished in the Appendix ; but, in proceeding with the letter, I found it impossible to deal with the subject in a manner any way satisfactory in the columns of a newspaper. Thus, what was first meant to be an affair of a couple of columns in a journal, has resulted, like Locke's Essay on Man, in what may be called a book.

Since I wrote its first page, the great Irish Land Question has obtained a prominence in the public mind, such as those most interested in its settlement hardly hoped for so soon. The London *Times* has deemed it of sufficient importance to merit a Special Commission from Printinghouse-square itself to report on the entire subject ; and hitherto the Commissioner has returned several reports—all admitting the absolute necessity of a final adjustment of the great social difficulty, but all carefully

avoiding any practical solution. So has the patriotic *Irish Times* sent out, not one but three Commissioners, regardless of expense, two through Ireland and one to France and the Netherlands, all of whom have already contributed, very largely indeed, to the general fund of important information on the vital question.

There is also "a chiel" from the *Echo* "taking notes" in Ireland, and with impartiality and considerable effect. The tone of the *London Times'* Commissioner has vastly improved since the appearance of his first communication. In that, security of tenure seemed to him to "amount in substance to a transfer of the soil from the landlord to the tenant," but in his subsequent letters he has considerably altered his tone.

Without venturing on any express solution, he suggestively propounds his earlier views in the following paragraph :—

"The Irish land question has become a subject of wide national interest, and will take up a great deal of the time of Parliament in the next session. As might have been expected, as it is viewed in different aspects by different interests, opinion respecting it varies considerably ; but there is a general conviction that some change is required, and violent measures have been put forward as the only solution of the problem. Men of all parties have admitted the necessity of one reform of evident justice—the securing the Irish tenant compensation for the improvements he may have annexed to the soil ; but several bills introduced with this object have, for different reasons, proved unsuccessful. Meanwhile, even the most practical statesmen allow that the relations of landlord and tenant in Ireland are not in a satisfactory state, and reforms of a very radical kind have been advocated by a

not contemptible party. It is urged that the ordinary rights of ownership in land in Ireland must be largely modified in order to protect the rights of the occupiers, and that, in the interest of the whole community, the Irish farmer should be assured a firmer hold than he has on the soil. It is said that, as Irish society is, the absolute dominion of the landed proprietor is irreconcilable with the public good ; that it places his tenant in a state of mere dependence ; that rack-rents, precarious tenures, discontent, hatred, injustice, and crime are the miserable but inevitable results ; and that Ireland can have neither prosperity nor peace until the occupying tenantry shall have obtained a more durable interest in the land than they are likely to have as things now are. Schemes, accordingly, of the most revolutionary character, amounting in substance to a transfer of the soil from the landlord to the tenant, subject to a quit-rent, have been propounded by men of no small reputation in economic science, and are known to find favour in the eyes of some at least of the Roman Catholic hierarchy. Even statesmen of the highest distinction, and conscious of their great responsibility, seem to think that the landed system of Ireland must be changed in some way that shall augment the interest of the occupier in his holding, though, with the exception of Mr. Bright, perhaps, their language has hitherto been vague and undefined."

It is hardly necessary to observe, that legislation on such a basis and assumption as this, will not be even illusory. The Irish tenant-farmers are now become too well "educated" in their rights, to accept as final any settlement not based on the recognition—the fundamental truth that the *land is theirs*, and that the landlord's right is strictly limited to that of rent.

"God made the land," says Mill; and if we put our-

solves the question, as it is put in its own place in those pages, "For whom did He make the land?"—is our answer to be, "For a few, to do with it as they like, as being their own?" Or, rather, "For the many, for their use and benefit, that by their industry they might develop its latent powers of productiveness to the utmost, and thus bring its produce to a *maximum* for the common benefit of all?" To our mind, the latter answer seems self-evident, and therefore incapable of proof. The land tenure of every other country in the globe is based on the recognition of its truth. The very Word of God Himself declares it when it says, "but the earth He gave to the children of men."

In the eyes of the "Commissioner," however, the landowner's property in the soil is absolute; he has a right, not merely to a just and equitable rent from the soil, but to the very material of the soil itself, to the exclusion of all others whomsoever; and the right of the tenant only extends to "compensation" for his labour and outlay. The landlord neither laboured nor laid out money on the land, yet his claim to every morsel of earth, stone, sand, fish, game, minerals, therein is to exist for ever—it is "revolutionary" on the part of the tenant to ask a secure foothold on the land that bore him and his sires. Thus is the fundamental maxim of John Stuart Mill reversed, that "the land of Ireland—the land of any country—belongs to the people of that country;"* and the *Times'* Commissioner, by implication, holds that the land of Ireland, at least, belongs not to the Irish people, but to a mere fraction of that people, and a fraction, for the

* Principles of Polit. Econ. B. 2, c. x.

most part, whose foreign ancestors obtained that land by confiscation, spoliation, and massacre.

Land legislation in all other countries has been based on this principle of Mill's for ages past. It is, therefore, high time that now, at the eleventh hour, the light of elementary truth should be admitted into the legislative councils of England on this vital question ; and that, in any measures to be adopted therein, account should be taken even of the iniquitous, agrarian legislation of all past times, with a view of not merely doing justice, but even of showing generosity, to the long-wronged tenants. And yet, "long-wronged" as these tenants have been, they seek not for "generosity"—they demand simple justice. They require, that, as the sovereign of the realm has no power to limit the tenure of the man who is called the "proprietor" of the land, so the "proprietor," on his part, must have no power to restrict the tenure of him who tills the land, and by his toil and industry makes it furnish food for "owner," sovereign, and all.

In now dealing with this momentous question, the legislature must never lose sight of the fact, that in the words of Chief Justice Pennefather, "The legislation on this subject, is a progressive code, giving in each successive act additional remedies to the landlord (Charge in an ejectment case at Hilary Term, 1843). "A code," which the learned judge himself summarised, but which O'Connell more fully illustrated as follows :—

"It has, indeed, been said, that to legislate *against* the landlord would be to deprive him of his property, or to depreciate it; and that, therefore, no law ought to be enacted to benefit the tenant at the expense of the landlord.

“Those who reason thus totally forget that several Acts of Parliament have been passed in favour of the landlord, and against the tenant. Let there be no Act of Parliament on either side, and the condition of the tenant will be greatly benefited, by depriving the landlord of much of the legal machinery by which he is enabled to extort exorbitant rents from the occupying tenants. All that would be necessary would be to repeal a few Acts of Parliament, and to restore the ancient common law of England with respect to the relation of landlord and tenant.

“For example—if there were no Act of Parliament in favour of the landlord, he could distrain the tenant who owed him rent, but he could not sell the distress. The distress would remain in his hands as a security or pledge, which the tenant could *at any time* redeem by paying the rent. The Act of Parliament, therefore, which gave the landlord liberty to sell the effects seized for rent, took away a great benefit from the tenant—that is, the right of redeeming his property; and this benefit will be more distinctly understood, when it is recollected that property sold as a distress is almost always sacrificed at a miserable undervalue.

“The next advantage which the landlord got over the tenant was by another Act of Parliament. If the tenant's lease did not contain an express clause of re-entry for non-payment of rent, it was impossible for the landlord to evict the tenant for owing him rent. And even when there was such a clause in the lease, there were technical difficulties which made it nearly impossible to *evict* the tenant for non-payment of rent. An Act of Parliament intervened on behalf of the landlord, and dispensed with all matters of form. It enabled the landlord by mere service of an ejectment to proceed to evict the tenant who owed him a year's rent. If a bad season occurred

(and what is more frequent?) or if two bad seasons came consecutively (which is not unfrequent) the tenant was and is, by this statute, placed altogether in the power of his landlord. No matter what improvements the tenant might have made, if he has not a year's rent to the day, the landlord can evict him—can take the benefit of all his improvements, and afterwards put him into gaol for the rent, after seizing under execution, and selling any other property he may have.

“The third Act of Parliament—the additional power given to the landlords over the tenants—was this: We have seen that the tenant might have been evicted by the landlord, if his bargain was that the landlord should have a right of re-entry for non-payment of rent; but the landlord-power over the tenant in this respect was increased by another Act of Parliament, which, even in cases when it was not the tenant's bargain or agreement that the landlord should have that power, which was not in the lease, yet the third statute gave the landlord that power, which was not in the lease, and enables him to evict the tenant, as if that power had been in the lease.

“A fourth Act of Parliament gave the landlord this additional advantage: that if the tenant, when distrained upon, insisted that his rent was paid, and failed in proving that it was discharged to the last farthing—if his proof of payment failed to the amount of one farthing, the tenant then is made liable to pay double costs!

“The landlord-power over the tenant was again increased by a fifth Act of Parliament. The ejectment against a ruined tenant was an expensive remedy. The landlord is, therefore, by a fifth statute, relieved from that expense in all cases where the rent does not exceed £20, and is allowed to evict the tenant by a civil bill before the assistant barrister.

“Another addition to the landlord-power over the tenant was made by a sixth statute, by which the chief mode of eviction by civil bill was extended to all cases in which the rent should not exceed £50 a-year.

“Then, the common law has been altered in favour of the landlord and against the tenant by several Acts of Parliament. These Acts have totally changed the relation of landlord and tenant. At common law, the extraordinary power, as between debtor and creditor, which the landlord had, was that of seizing the distress for the rent due, and holding it as a pledge. In every other respect, the landlord had, at common law, only just the same power which every other creditor has over his debtor—that is, the power of suing him, and obtaining an execution for the money due. The result was, that the landlord, in letting his land, was under the necessity of looking to the character and solvency of the tenant, and also of leaving him the means of paying the rent, after deriving a support for himself and his family out of the land. The landlord had an interest in the prosperity of the tenant; for if the tenant were ruined, the rent would be lost, and the land remain uncultivated.”*

This summary excludes several Acts even more odious than any enumerated. And amongst them it excludes the worst Act of all—the Act enabling the landlord to evict on a six months' notice to quit—an act virtually giving the tenant only a six months' lease of his very existence.

Delenda est Carthago—tenure at will—that degradation of degradations—a scandal to any civilized country, must be abolished for ever. Power of life and death over the many—a power wrested from the Sovereign by the Revolution, and at the price of oceans of blood, must no

* Public Letter, 1843.

longer be left in the hands of a few at the cost of the peace, honour, and happiness of the country.

The only perfect parallel to the present and past land tenure of Ireland, as of the whole Irish land system, is to be found in the agrarian history of England three or four hundred years ago. Then, and for a period about as long as that of agrarian oppression on the one side, and its natural result, "agrarian outrage," on the other, hitherto in Ireland, landlords evicted wholesale, and the evicted rose, rebelled, shot, and massacred the landlords, pillaged all before them, and were, in due course, strung up, by the thousand yearly, themselves. But, as we shall see, the vital difference between the two cases and periods is, that while the English Legislature passed Acts after Acts, inflicting heavy penalties on extermination, or, as it was called, "depopulation of the fields"—a felony without benefit of sanctuary or clergy—our legislators of the present day set a premium on pasture and consolidation, and thus proclaim the beast better entitled "to inhabit the land and be filled with the plenty thereof" than man. The late Lord Carlisle declared so specially as regards Ireland, while his Conservative opponent, Lord Stanley, on the other side, has lately euphemised his preference also for large farms and the beast.

I trust, however, that the following pages contain irrefragable arguments in favour of small or moderate farms, at reasonable rents, with perfect security of tenure, absolute independence of the whims, passion, prejudice, and political, or religious bias of the landlord. By all means let the landowner get his due. To repeat it, over and over, his due is the rent alone. To that alone is he

entitled in every country in the world where tenancy exists at all. In most countries the tenant is his own landlord—small, indeed, in his way, the owner of his few acres, of which no power but the sovereign will of the State can deprive him; and thus and therefore as independent, and indeed in his own way, as happy as the broadest-acred noble in the land. Hence, his very looks speak the sense of self-respect and independence that reigns within. How often was I delighted, in conversing with one of those five-acre proprietors who abound in France, as they and their families were occupied in tilling that little piece which they proudly called their own, and the fruits of which sufficed for their necessities and rational comforts? Their dreams and thoughts and fears were not of the odious approach of the bailiff, or the stern voice of the Valentine M'Clutchy, or the crushing frown of the haughty owner himself, of "Castle Rack-rent." How different their whole mein from that of the wretched agrarian "serf," as even the *Times*' Commissioner does not hesitate to call a tenant-at-will in Ireland! In the one there is the habitual expression of conscious independence; in the other, the cowering look of the slave.

But, desirable as is a peasant proprietorship—nationally beneficial as it has proved in every country where it has been adopted—first the very salvation, and next, the wonderful elevation of Prussia—we do not go so far as to demand it at present for Ireland. The old spirit of feudalism is yet too strong to be exorcised to that extent. But we do demand, if not "legal perpetuity," at least such a "security" of tenure as will

amount to an equivalent. Let Government value the rent every seven, or ten, or twenty-one years, and let landlord and tenant abide, during the interval, by the valuation effected. Let the tenant be, *ipso facto*, by occupation secure of his tenure at that rent until the next valuation, and so on to the end. If he break down and become insolvent, by all means let the landlord evict him for non-payment of rent, fully compensating him for the increased value which his industry and capital conferred on the land; this increase to be determined by official valuation. The question of redemption, within a limited period, is one of detail, and not difficult of solution.

“A perpetuity,” says Mill, “is a stronger stimulant to improvement than a long lease. . . . There is a virtue in ‘FOR EVER’ beyond the longest term of years Besides, while perpetual tenure is the general rule of landed property, as it is in all *the countries of Europe*, a tenure for a limited period, no matter how long, is sure to be regarded as something of inferior consideration and dignity, and inspires less of ardour to obtain it, and of attachment to it when obtained.”*

And why are Irish landlords so fearfully adverse to adopt a system universally prevailing “in all the countries of Europe?” Simply because they still cling to a monopoly of political power by the degrading system of tenancy at will. This is the great engine of the landlord, for the Poor-law board-room, the dispensary, the hundred and one county appointments, and above all, for the parliamentary hustings. That engine once disordered

* Principles of Polit. Econ. B. 2, c. 2.

by any kind of safe tenure on the part of the tenant, the "master" can no longer drive his serfs before him, or drag him behind his back to swear, as hitherto, right wrong and wrong right, and do what their head and heart abhor. A tenant in this parish, possessed of a little means—not indeed accumulated by the land, far from it—asked the landlord, a few years ago, for a lease, offering to build a good slated house, with suitable offices, if he only obtained that security; and the worthy baronet's answer was—

"I would as lief give you the fee-simple!" And this is the spirit that pervades almost the entire class. Yet—

DELEND A EST—

that spirit and the slavery which it creates must be made to cease. Under what is called the "freest constitution in the world," the millions must cease to be the slaves of the few. If law does not accomplish the change, then Nature herself must only step in, work up her opportunity, seize it at the proper moment, and repair and compensate for the wrongs of delayed redress by appropriations more extensive than the concessions which were humbly and constitutionally, but vainly claimed:

Such an event may be rather distant; but so sure as "progress" is the motto of civilized mankind, so sure will that event be realized, if not averted by legislative justice. Had the French Seigneurs conceded in time the claims of common justice and common sense, the peasant proprietor would not predominate so much at this time in France, and all over Europe. England's insular position saved her autocrata, not from a peasant proprietary, which would be her gain, but from a peasant proprietary

the result of confiscation. Steam has bridged the Channel and—the Atlantic.

To avert such an issue, by no means improbable in Ireland, let her confer fixity of tenure with valuation rents.

A settlement of the land question in Ireland on any other basis cannot be final, and any settlement not final will not, in the language of Mr. Mill, be either wise or satisfactory.

My claim, or rather my apology, for interposing in the present lively discussion, so general on the important subject, is the very active part I have been obliged, for several years past, from my peculiar position, to take in grave transactions arising out of the exercise of the unlimited power at present wielded by the Irish landlord. A *resumé* of these transactions will be found in the Appendix, in the shape of a record of the evidence given at the famous trial, *Lavelle v. Boyle*, in Galway, in the year 1861, and that in the not less, if not more celebrated case of *M'Culloch v. Knox*, in June last, in the Court of Queen's Bench, Dublin; with, also, my letter in reference to the case of Sir Robert Blosse Lynch, and the correspondence between myself and the agents of the late Sir Roger Palmer.

During the last eleven years, I could say in truth a day did not elapse without my feeling deep anxiety for some interest, spiritual or temporal, or both, of the tenant poor under my care—not a month hardly, without my being driven to take some active part in their defence, helpless as they were to defend themselves. It will not, therefore, I trust, be deemed presumptuous, though it may be hazardous, in me to approach the

discussion of a theme on which the brightest intellects of the day have shed the light of their knowledge, their reasoning, and their experience. Where Kay, Thornton, Sadler, Mill, Godwin Smith, Butt, Heron, and a host of others have trodden, cannot be well approached without risk to the reputation of their follower. But I write not for reputation. My one object is to concentrate as many authorities in support of the views which I put forward as will justify, at least, a grave consideration of their merits. If, in the course of the struggle between right and might which is fast approaching, other views recommend themselves more to the sound and unbiassed mind of the nation, while I cannot complain that these latter get a preference, I hold myself blameless and even justified in enforcing my own, sustained as they are by so many leading authorities.

It may, indeed, be objected, and it actually is objected, that the state of the country these two or three hundred years, as here described, does not answer to its condition at the present day; and I answer, that in all its essentials it does. That the landlord is as tenacious of his absolute power, and often as arbitrary in its exercise, now as ever before. Let the particular cases given in the Appendix be my proof for this. Nay, in some respects, our condition is much worse; for, whereas formerly, even a century ago, "short leases" were the rule; now-a-days, "*No leases*" are the motto and maxim of the landlord. If, in days of yore, these "short leases" had the effect of discouraging tillage and depopulating the fields, what must be the effect of a total denial of any lease at all?*

* See below.

Nor have the Encumbered and Landed Estates Courts made matters generally better. On the contrary, purchases in them being, in many instances, like that of the National Building and Land Investment Company, "chiefly for profit," as the chairman of that company avowed on oath his was—the result almost invariably has been an enormous and arbitrary advance in the rents by the new purchasers, while the previous owner took care to raise the market value of the land by a good round increase of his own. Thus there is a town-land in the very property on which I live paying treble the rent it paid before its transfer.

In any case, all admit the abnormal and anomalous relations between landlord and tenant in Ireland. All admit the necessity of change therein, in the interest of all concerned. Therefore, if any additional light can be thrown on the subject by a review of its dismal history, that review cannot be deemed a work of supererogation.

The journalistic discussion of the subject is confined chiefly to arguments on first principles, and certain facts relating to the present time ; mine are mainly historical. I considered that a *resumé* of Irish landlordism, especially since the "glorious Revolution," was a *desideratum* ; it is now before the public, who are to pronounce on its worth.

The revelations which it unfolds place past landlordism in Ireland in its true light. It is only to be regretted that for the most part the landlord of to-day "shames not his sire."

" Duravit ad imum
Qualis ab incepto processerat et sibi constat."

Not that there are not some noble exceptions to this monster character—men of heart and conscience, who treat their tenants with justice and kindness, and in return are loved and respected by their tenants and neighbours. We speak of them as a class; and as a class they are judged and condemned. The only punishment, however, which we call for on their crimes is, the subtraction of the fell power of their perpetration. Hitherto the law has been entirely on their side—made, as it has been, by themselves. Let the “interest of the tenant” now for once enter into the consideration of the legislature; let not the wolf be further permitted to legislate for the lamb, and we shall hear no more of “agrarian outrage” or of landlord and tenant murderous antagonism.

THE IRISH LANDLORD

SINCE THE REVOLUTION.

CHAPTER I.

A GENERAL RETROSPECT.

IT is not the scope of this Work to travel back into antiquity, to inquire with any minuteness into the agricultural industry of our distant ancestors of Ireland. But without labouring at perhaps profitless, though not uninteresting research, we are informed that even the Fírbolgs used, like the present Chinese and Cashmerians, to carry clay in leathern aprons from the valleys to the higher and lighter lands, to make the latter productive, a circumstance which, with many others furnished by O'Driscoll, "proves, beyond a doubt, a high degree of national prosperity, and a population greatly exceeding what we consider to be an excess at the present day."* And lest it might be objected that this is driving back Irish history to the era of fable, Sir James M'Intosh informs us that "The Irish Nation possesses genuine history several centuries more ancient than any other European nation possesses in its present spoken language."†

Originally the soil of Ireland was parcelled out among the tribes of which the Irish community consisted, so that a certain district belonged exclusively to a certain tribe, portions in common for grazing, and the rest apportioned to the

* Vol. i, p. 28. Also O'Halloran's Introd., c. iii.

† Quoted by Godkin Repeal Prize Essay, p. 1.

chiefs, Brehons, bards, and other families as *mensal farms*. The strict and absolute *ownership*, however, could not be claimed by any individual, the right to re-allot and rearrange being reserved to the tribe itself and the tanist, on his accession. This was substantially the same as the "village system" of India, to which we are hereafter to refer. A good deal may be said for and against it; but this advantage, at least, it possessed, that it made the power of arbitrary eviction impossible in recognizing the right of the humblest kern to inhabit the land and live on its produce, as strictly as that of Brehon chief or prince. It prevailed universally throughout the country up to the date of the Anglo-Norman invasion; and, outside the Pale, until the final "Conquest" of the country, commenced by Elizabeth and consummated by Cromwell. (f)

Up to the period of the Danish invasions the country seems to have been, no less socially than intellectually, in a flourishing condition. The devastations of that period of two centuries threw it backward in no small degree, yet we find it in a process of rapid recovery when the fatal landing of Strongbow inaugurated a fresh series of calamities, keenly and universally felt throughout the country, even this very day. How often the soil of the country was "confiscated" and "planted," the native chiefs and people banished or butchered, and their lands and homes handed over to the scum of an English soldiery, "alien" in everything to those among whom they were "planted" at the point of the bayonet, it would be superfluous to narrate.

Enough that in the words of Sir John Davis: "The next error in the civil polity which hindered the perfection of the conquest of Ireland, did consist in the distribution of the lands and possessions which were won and conquered from the Irish. For the scopes of land which were granted to the first adventurers were

too large ; and the liberties and royalties which they obtained therein were too great for subjects. . . . Thus was all Ireland cantonised among ten persons of the English nation ; and though they had not gained possession of one-third part of the whole kingdom, yet, in title, they were owners and lords of all, so as nothing was left to be granted to the natives." Precisely similar to the policy of to-day—aye, of the entire policy pursued during the first 400 years of English rule, he says, that it "Drew greater plagues on Ireland than the oppression of the Israelites did on Egypt ; lasted 400 years, and was the most heavy oppression that was ever used in a Christian or in a heathen kingdom though it were first invented in hell, yet if it had been used and practised there as it hath been in Ireland, it had long since destroyed the very kingdom of Lucifer."* And the man who wrote thus, was himself the instrument almost of as vile tyranny as any that had preceded. We are aware that part of Elizabeth's policy, as recommended and carried out by Mountjoy, was to keep the land "from manurance, and their cattle from running abroad ;" that "by this hard restraint they would quietly consume themselves and devour one another ; so that in a short space there were no inhabitants almost left, and A MOST POPULOUS AND PLENTIFUL COUNTRY suddenly left voyde of man and beast."†

We have only to open the pages of Swift, in almost any of those honest and humane exposures of his, to realize the terrible extent to which rackrentism, absenteeism, absolutism, and "clearing" was carried on in his day. Let us take up only his "Modest Proposal," his "Proposal," his "Answer to a Memorial," his "Crafts-

* Discovery of the True Cause, v.

† Spenser's View, p. 165.

man," his "Answer to the Craftsman," his "Short View of the State of Ireland:" and in each we have presented before us a picture of national wretchedness, the fruit of merciless landlordism, not to be equalled in the history of the globe—no, not even by the Zemindar system of India itself. Here we must content ourselves with an extract or two, reserving for a future chapter "on Clearances," more ample quotations.

After enumerating the several agencies at active work for the impoverishment and ruin of the country, he puts forward, as not the least, the following :—

"Another cause of this nation's misery is that Egyptian bondage of cruel, oppressing, covetous landlords, expecting all who live under them should make bricks without straw; who grieve and envy when they see a tenant of their own in a whole coat, or able to afford one comfortable meal in a month, by which the spirits of the people are broken, and made fit for slavery—the farmers and cottagers being almost through the whole kingdom, to all intents and purposes, as real beggars as any of those to whom we give our charity in the street.*

Such was landlordism during the entire of the Dean's lifetime—a hideous, heartless thing, with no more thought of humanity, not to speak of Christianity, than is possessed by those brutes of the fields which, as to-day, it preferred to the image and likeness of God.

In 1736, pasture lands were exempted from tithes, as such an imposition "would impair the Protestant interest, and occasion popery and infidelity to gain ground."† So that, to the "Protestant interest" the agricultural prosperity, and the social happiness of the

* Short View of Ireland. Works, vol. ix.

† 4 Com. Journal, p. 219.

country at large was sacrificed by positive law. Consequent on this premium on pasture came depopulation and consolidation, with all the concomitant horrors; described and bewailed by Swift and others, as we shall see further on. The penal laws, disqualifying Catholics for long leases (over 31 years), added to the evils of the general chaos. This feature of the case is vividly presented by Lord Viscount Taaffe in the following sketch :—

“ No sooner were the Catholics excluded from durable and profitable tenures, than they commenced graziers, and laid aside agriculture; they ceased from draining or enclosing their farms and building good houses, as occupations unsuited to the new post assigned them in our national economy. They fell to wasting the land they were virtually forbidden to cultivate, the business of pasture being compatible with such a conduct, and requiring also little industry, and still less labour in the management. This business, moreover, brings quick returns in money; and though its profits be smaller than those arising from agriculture, yet they are more immediate and much better adapted to the condition of men who are confined to a fugitive property, which can be so readily transferred from one country to another. This pastoral occupation, also, eludes the vigilance of our present race of informers, as the difficulty of ascertaining a grazier's profits is considerable, and as the proofs of his enjoying more than a third penny profit cannot so easily be made clear in our courts of law. The keeping the lands waste also prevents, in a great degree, leases in reversion, what Protestants only are qualified to take, and what (by the small temptations to such reversions) gives the present occupant the first title to a future renewal. This sort of self-defence, in keeping the lands uncultivated, had the further consequence of

expelling that most useful body of people, called yeomanry in England, and which are denominated Scullogs in Ireland. Communities of industrious housekeepers, who, in my own time, herded together in large villages, and cultivated the lands everywhere, till, as leases expired, some rich grazier, negotiating privately with a sum of ready money, took these lands over their heads. This is a fact well known ; the Scullog race, that *great nursery of labourers and manufacturers*, has been broken and dispersed in every quarter, and we have nothing in lieu but those most miserable wretches on earth, the cottagers ; naked slaves, who labour without food, and live while they can without house or covering, under the lash of merciless and relentless masters. The Catholics, as we have seen, keep their farms in a bad plight, as they are excluded by law from *durable and profitable tenures* ; and they derive some advantage from a source, which brings infinite mischief to the nation. *Agriculture, the mother of population, the nurse of every useful art, the support of commerce*, is exchanged in Ireland for pasturage, *the parent of in consequence*, and the purveyor of national indigence, an occupation (if we may call it one) which occasions frequent returns of famine, drains the kingdom of its specie, and occasions the emigration of numbers, who, for want of employment at home, are yearly on the wing.*

Another competent authority, Gordon, thus describes the same scenes, causes, and effects. Referring to the first agrarian outbreak of 1762, he says : " It was occasioned by the expulsion of labouring peasants destitute of any regular means of subsistence, by any other means of industry, while those who remained unexpelled, or procured small spots of ground, had no means of paying the

* Observation on the Affairs of Ireland, from the Settlement in 1691 to the Present Time.

exorbitant rents, even by labour—the pay of which was, by the smallness of the demand, beyond all due proportion low. The misery of these cottagers was completed when they were, by enclosures, deprived of commonage, which to many had been at first allowed. Numbers of them secretly assembled in the night and vented their fury on objects ignorantly conceived to be the causes of their misery.”*

Thus, during a period of over seventy years, from the Revolution to 1760, had the unfortunate Irish peasant submitted, it would seem without murmur, because without resource, to a system of extermination aggravated by all the horrors of religious rancour and penal disabilities. This system at length gave rise, in succession, to the *White-boys*, *Levellers*, *Hearts of Steel*, *Right-boys*, with the followers of *Captain Rock*, *Molly Maguire*, &c., &c., all goaded to madness by the absolutely “intolerable oppressions” to which they were systematically subjected—as to-day.

Speaking of the rising of the “Levellers,” above referred to, Dr. Campbell says, “I hardly know whether this insurrection was the same with that of the *White-boys*. In their *cause*, however, they were identified, which was the intolerable oppression of the landed proprietors.”†

The *Hearts of Steel* turned out in 1763-4, and of them Mr. Wakefield writes: “The hapless peasants being thus abandoned, gave way to the impulse of their ungovernable passions, and vented their fury on those whom they considered as their oppressors” (almost the words of Gordon above quoted). He pursues—“These commotions afford a striking and melancholy proof of the country at the time they took place, and, as they arose from causes unconnected with public measures, may convince those who

* History of Ireland, vol. ii. pp. 240-1.

† Philo. Survey of Ireland, p. 240.

ascribe every evil they experience to the Government, that *national misfortunes depend more on* the conduct of individuals than is generally believed or admitted." A very just reflection, and literally illustrated in the conduct of the Irish landlords of the present day, who, whether Fenianism is to be deemed a "misfortune" or not, in which opinion widely diverges, are, beyond all doubt, the best "Head Centres" to be had. Yet this sentiment must be received with a certain qualification. For when Government so legislates, as not merely to tolerate but to legalise and sanction such "conduct of individuals," it becomes, by the fact, responsible for its consequences, and, if possible, more culpable than the immediate delinquents themselves. "Who are responsible?" asks Mr. Binn. "The Government is responsible."*

The fell spirit that wrought the above effects, the spirit of consolidation, is at full operation this day. Catholics, indeed, are legally qualified to hold beneficial leases, but the "master" is equally legally entitled to withhold them, and so a leased farm or holding is something as rare amongst us as a fossil of the megalotherian kind. In 1771 Catholics were qualified to hold leases of *fifty acres of unprofitable bog*, with a half acre of arable land adjoining; a couple of years later, in 1773, the papist was permitted to emerge from the bog, and hold under lease like any other Christian; and in 1782 he became qualified to hold land in fee. From that period down to the year of the "accursed Union," no other country in the world advanced so rapidly, as Lord Clare assures us, in agriculture, manufactures, and commerce, as Ireland.† The same testimony is given by Mr. (Lord) Plunket, O'Connell (Memoir of Ireland), Earl Grey, Mr. Foster, Mr. Jebb (second Repeal Essay, pp. 13, 18.)

From that forth down to this hour, our descent down

* Practical View.

† Pamphlet in 1798.

the decline of wretchedness has not been interrupted for a single day. Absentee, rack-renting, depopulating landlords, making, as if in very mockery, laws in a foreign parliament for their miserable serfs at home—wolves legislating for lambs—have never paused in their fiendish work until, at last, the “Notice to quit,” the “crowbar,” “consolidation,” “emigration,” “pauperism,” have become, like wife and child-murder in England—“national institutions.”

But to revert—

“Slaves,” “naked slaves,” as they were, the iron having entered their inmost soul, the Irish peasant and labourer long submitted to the territorial as to the religious oppression which bowed them to the earth. At length the worm began to turn, in a fashion, on its trampler. But not as yet, in the modern fashion of repaying eviction with the blunderbuss. In 1762, as we have seen, the “White-boys” first appeared; and their first exploit was one of a ludicrous though significant character. In the January of that year they turned out, and in one night dug up twelve *acres of rich fattening* ground belonging to Mr. Maxwell, near Kilfinnan. “Various causes,” says Plowden, “concurred in reducing these forlorn peasantry to the most abject misery. An epidemic disorder of the horned cattle had spread from Holstein through Holland into England, where it raged for some years; and in consequence raised the price of beef, cheese, and butter to exorbitancy. Hence pasturage became more profitable than tillage, and the whole agriculture of the south of Ireland, which had for some time past flourished under a mild administration of the popery laws, instantly ceased; and numerous families who were fed by the labour of agriculture, were turned adrift without means of subsistence. Cottiers being tenants-at-will, were everywhere dispossessed of their scanty holdings,

and large tracts of land were let to wealthy monopolisers who, by feeding cattle, required fewer hands and paid higher rents. Pressed by need, most of those unfortunate peasantry sought shelter in the neighbouring towns, to beg that bread which they could no longer earn; and the only piteous resource of the affluent was to ship off as many as would emigrate to seek maintenance or death in foreign climes.”* It was about the same time that the penal statute was enacted excluding Catholics from towns and trades; thus were they, literally, deprived of the smallest *locus standi* in the land that bore them. Hence Dr. Campbell informs us, that “the greater and the best part of the land was verging to depopulation, and that the inhabitants were either moping under the sullen gloom of inactive indigence or blindly asserting *the rights of nature* in nocturnal insurrections, attended with circumstances of ruinous devastation and savage cruelty,” all which he ascribes to “political errors somewhere”—(the English Barrister says “with Government.”) “There is no necessity,” continues he, “for recurring to natural disposition when the political constitution obtrudes upon us so many obvious and sufficient causes of the sad effects we complain of. The first of these is the suffering avarice to convert the arable land into pasture.”†

The author of two admirable little tracts, entitled “Outline of a Scheme for Universal Toleration,” and “A Plea for Toleration,” published in 1778, after describing in language similar to that of Swift, Boulter, &c., &c., the squalid wretchedness of the masses of the people, accounts for it as follows—

“The papists,” said he, “were put under a legal interdict from enjoying any lands whatsoever (for it extends immediately to plots and houses in corporate towns) save

* Hist. Rev. of the State of Ireland, vol. i. part I. p. 336.

† Philos. Surv. p. 240. *Ibid.* p. 304. Sadler, p. 100.

only *under a short tenure* ; even that is made liable to a forfeiture in favour of the first Protestant informer, should it exceed a certain profit, prescribed by statute. The operation of this interdict in making spies extremely vigilant brought many suits into our law courts, and reduced many families to distress and sorrow." Hence, " It has put a stop altogether to agriculture, and converted our popish landholders into a huge tribe of graziers like our Scythian ancestors (the words of Swift). Pasturage is one defence *with them* against informers, and is their sole occupation ; for industry we cannot call it. Careful however of the true interests of men reduced to the necessity of leading such a life, they avoid improving, building or enclosing, as well to draw as much as possible from an *expiring tenure*, as to prevent a temptation in Protestants to take a lease in reversion of the wastes they throw about themselves. . . . Through this pastoral occupation population meets great impediments, and one year of famine demolishes almost all that nature could produce in many. . . . To restore agriculture we should return to King William's principles and practice by encouragements to labour and SECURITY to the labourer. . . . A good agrarian law will execute itself ; it is not in the nature of things that any *other discouraging to the tiller can be effectual*. Let this capital truth be for once admitted ; let it be granted also that agriculture, or in other words the business of planting, building, and enclosing, as well as of tilling, should be that of men *secure from all danger in conducting it* ; not of men exposed to great danger in attempting it," and he winds up by calling the system that prevailed, "a conspiracy against the prosperity of Ireland." And does not the same system and worse prevail to-day ? What "security" has the tenant-at-will ? His "tenure" expires every six months. If he improve his farm his rent is raised, or perhaps, even, he is entirely

evicted, and the brother or nephew or friend or briber of the bailiff or the "clerk in the office" is installed in his stead.

In the property of the Earl of Lucan a bailiff and a clerk in the office occupy whole townlands, out of which the aboriginal tenants were mercilessly evicted.

This inhuman system of depopulation has continued, with more or less extension and intensity, from 1700 or so—strictly 1690—up to this very day. One hundred and eighty years of landlord depopulation, varied with a penal code, which Burke has immortally described as "an engine of elaborate wickedness the best fitted to degrade human nature that was issued from the perverted ingenuity of man." Yet we live, and our motto is "Excelsior."

In 1735 the exemption of pasture lands from tithes was made to cease; but yet, up to 1842, its protection by the prohibition of foreign beef, was nearly as mischievous in its effects. One as well as the other was a bounty on quadrupeds as opposed to human beings. Two years after the attainment of legislative independence in 1784 the cards were reversed, and the importation of foreign grain was prohibited—a premium thus fixed on the production of the native material. The "ever accursed Union" came, and in its train in 1815, another mania for "flocks and herds." Next year the Irish landlords, in a foreign parliament, obtained their Quarter Sessions Act of cheap and expeditious extermination.

That calamity called "*Emancipation*" only aggravated the evil by the fatal concession of the disfranchisement of the forty-shilling freeholders. From that downwards the history of our country may be written in the words eviction, emigration, conspiracy, insurrection, workhouse, agrarian revenge. Of the latter, the two latest cases are those of Captain Lambert, Co. Galway, and Mr. Warburton, High

Sheriff of Queen's County, both fired at and desperately wounded in broad daylight, in consequence, it is supposed, of their exercise of those unlimited powers of eviction conferred on them by a parliament of landlords.*

Reviewing this dismal, black history of Ireland up to his own day, Mr. Binn makes the following reflections, replying to the flippant objection to State interference in the landed relations of Ireland, that they "would remedy themselves," he says—

No.

"Rusticus expectat dum defluat amnis at ille,"

"Labitur atque labetur in omne volubilis album."

A better state of things in Ireland will never grow, will never come of itself. A better state of things may be made, may be created there, might be created immediately and permanently, will be created when the let-alone policy is finally abandoned in despair, and the hollowness of existing notions of political economy is demonstrated by experience, and generally recognized.

According to received theories, Ireland ought to be very prosperous. She is a very large and an eminently fertile island, in a temperate latitude. She has safe and capacious harbours, noble rivers, immense water-power; she possesses great mineral wealth of every description. In spite of calumnious assertions to the contrary, her poor, when employed and fed, are the most laborious of mankind. Our wise men assure us that it is a vulgar error to suppose that absenteeism has been injurious. Above all, Ireland has had perfectly free trade for many years, with the richest nation on earth, and the let-alone system has had free course.

What is her condition? No description can describe it; no parallel exists, or ever has existed, to illustrate

* See Appendix.

it. No province of the Roman empire ever presented half the wretchedness of Ireland. At this day the mutilated Fellah of Egypt, the savage Hottentot and New Hollander, the Negro Slave, the live chattel of Carolina or Cuba, enjoy a paradise in comparison with the condition of the Irish peasant, that is to say, of the bulk of the Irish nation.

Who is responsible? Common sense says, and all Europe and America repeat it, those who have governed Ireland are responsible. Yet it would be unjust to charge Great Britain with a want of kindly feeling or generosity to Ireland. The truth is, that partly from the pressure of other business, but partly and chiefly from the influence of empty and pernicious theories, Ireland, except in the imperfect way in which the peace has been kept, has not been governed at all on principle; every social and economical abuse has been allowed to run riot.

Proprietors have on principle been allowed to lock up their lands with charges constituting a mortmain; worse than the mortmain of the middle ages—preventing, not only alienation, but cultivation. To interfere with contracts between landlord and tenant, so as to give the tenant (what the public welfare requires he should have) an interest in the improvement of the land, has been, and is denounced as contrary to the principle! To interfere with the mode of cultivation shocked the political economists. *To put a stop to those clearances, which inflict more misery than an invasion, was to interfere with the rights of property.* To attempt a provision for the helpless poor, was to add to Ireland's existing wretchedness, the abuses of the English Poor Law. To encourage, artificially, any Irish industry, and so to compensate, in some degree, for the artificial and direct discouragements to which it had been subject for so many years, till it was effectually overlaid and smothered by the manufacturing industry of England

would still be deemed monstrously absurd. But the injustice of inflicting intolerable burthens on the owners and occupiers of Irish land, and then exposing them to competition with those who are subject to no such burthens, is not perceived.*

These are the reflections of an honest and philosophical mind. "No, the evils of Ireland will not remedy themselves." By one or other of two means—legislation or revolution—the remedy must be effected. With those at the helm of State stands the choice, the choice to elevate the worse than "Fellah," and the Hottentot in social position into a free and independent man, or to leave him still plotting the last resource to elevate himself. "These clearances which inflict more misery than an invasion," must be "put a stop to" in the end. The Irish tenant must cease to be "tenant-at-will"—"the live chattel" of his merciless "master." Will those holding the reins of power have courage to meet the arrogant claims of exploded feudalism right in the face—to say to the feudal despot, "Too long have you possessed, too long have you exercised a most unrighteous though a legal right. The time has come for its final discontinuance. Your tenant must be no longer your slave. As you have a right to the rents of your estate, so has he to the produce of his industry. As the sovereign cannot disturb you in possession, so must not you the tenant while he pays that rent which an equitable and renewable valuation will proscribe." The day must never dawn when you may "evict at will."

Having thus far given a vivid outline of the Irish land question, especially within the last two centuries or so, we now come to view its several features in brief detail. Land-tenure, rack-rents, evictions, consolidation, and

* *Evils of Ireland*: London, Teeleys. 1850.

grazing, "agrarian outrages," as they are called, and absenteeism, shall, each in turn, receive its due share of notice. True, these are all so intertwined one with another or all, that a perfectly exclusive consideration of any one, apart from some or all of the others, were simply impossible. Still, for the sake of order it is best to consider each in its own place.

CHAPTER II.

TENURE OF LAND.

"The land of Ireland, the land of every country, belongs to the people of that country."—*Mill's "Polit. Econ.,"* b. ii. c. x. p. 200. Ed. 1868.

THE question of TENURE is of all others, beyond all comparison, the most important as connected with the land system of Ireland. No doubt, it forms only part of a great whole, but still a part the most vital, the very seat, "the root and fountain" of misery or happiness, order or outrage, life or death, among the tenantry of Ireland.

Lord Clarendon, in a speech of his at the West Herts Agricultural Society, on the 26th of September, calls the eviction of a tenant-at-will without compensation an act of felony—"a felonious act"—designating the question of tenure of land in Ireland as "a momentous and vital, but not a party question." The following are his words:—

"They were practical men whom he was addressing, and he would ask any gentlemen present, if he were to take a farm at will upon which the landed proprietor never did and never intended to do anything, and were to build upon the farm a house and homestead, and effectually drain the land, and then be turned out on a six months' notice by his landlord, would any language be strong enough, not forgetting the language made use of at the public meetings, and in the press recently in this country, to condemn such a felonious act as that (hear, hear). Far be it from him to say any such proceedings were resorted to on large and well managed estates in Ireland, of which he could give a long list, but

the power did exist of turning out a tenant under such circumstances. It was too often exercised, and it ought to be abated; because as long as it existed, there could be no confidence between landlord and tenant (hear, hear)."

He then complains, that while in England there is only one policeman to every 890 souls, in Ireland there is one to every 430, and this at a cost of £900,000 a-year.

Those who would wish to study the different kinds of tenure that have latterly obtained in Europe, I would refer for a full description and analysis to Mr. Mill's invaluable work, quoted above. He treats successively the tenure of the peasant proprietor, the cottier, and the Metayer; giving a decided preference to the first. We all know what "Peasant Proprietor" means; and we despair not yet of seeing it near home with our own eyes; and not having to cross the channel and witness its stupendous effects in every corner of Europe—from Norway to Naples. Parts of Spain alone have no "Peasant Proprietors," and next to Ireland, these, as we shall see, are the most miserable in the globe. The Metayer system which prevailed in France previous to the Revolution, and still obtains in portions of Italy and Austria, Mill thus describes:

"The principle of the Metayer system is, that the labourer, or peasant, makes his engagement directly with the landowner, and pays not a fixed rent, either in money or in kind, but a certain proportion of the produce, or rather of what remains of the produce, after deducting what is considered necessary to keep up the stock."* This proportion varies from a third to two-thirds of the surplus. As such a system never was, and never will be in force in Ireland, we may pass it over without a word more.

* Princip. Pol. Econ., c. viii.

The cottier, or rack-renting tenant-at-will system, so painfully familiar to all Irishmen, he describes as follows :

“ By the general appellation of cottier tenure, I shall designate all cases, without exception, in which the labourer makes his contract for land without the intervention of the capitalist farmer, and in which the conditions of the contract, especially the amount of rent, are determined, not by custom but by competition. The principal European example of this tenure is Ireland, and it is from that country that the term cottier is derived.” And speaking of the devouring “uncertainties” of such a system, he says—

“The only safeguard against these uncertainties would be the growth of a custom insuring a permanence of tenure in the same occupant without liability to any other increase of rent than might happen to be sanctioned by the general sentiments of the community. The Ulster tenant-right is such a custom.*

Indeed, it would be impossible to put the case of *tenure* in a clearer point of view than it has been presented by Mr. Isaac Butt—a very veteran, though yet a young man, in the tenant cause. See his “Fixity of Tenure.” Yet on a question of such paramount importance it may not be forbidden to anyone to throw, if he can, some additional gleam of light. Original thought or views on the point are simply out of the question. Common sense, mere rational instinct, so emphatically dictate that the cultivation of the soil in any country, but, above all, in a country almost purely agricultural like Ireland—robbed as she has been by positive royal proclamation and statute of law of nearly all her other industries, trade, commerce, manufactures—should be hedged in by every possible species of protection against the exercise of arbitrary power. Yet what do we find?

* Princip. Pol. Econ., 193-4.

Why, that in Ireland the unhappy cultivator that sows to-day, knows not but another may reap this day six months.

*“ Sic vos non vobis nideficatis aves
Sic vos non vobis mellificates apes,
Sic vos non vobis arificatis boves,
Sic vos non vobis vellificatis oves.”*

The mother of the present writer was left a widow four or five years ago. It pleased the Almighty to call from her, I hope to Himself, her husband, son and daughter, within the space of six months. She was thus left to herself, without other society than that of her servants. In such bereavement she took in her son-in-law and daughter—a respectable, comfortable family, renting a farm on an adjoining estate. And for this, as contrary to “ the rules of estate,” she was mercilessly evicted !! her house torn down, her growing crops seized, though every farthing of her rent had been paid. The old lady (70 years of age) is now living with her son the writer ; had she no resource, the workhouse or death alone remained as her doom.

And this is only a sample—indeed a comparatively mild instance, of the hardships and cruelties wrought by the abominable system of tenancy at will. To that fell system is attributable all the desolating evictions and other miseries, already outlined, that form the staple of our country’s sad history these two hundred years. And why should this be so ? Why should one man be independent both of monarch and law, while thousands under him subsist at the beck of his will ?

Did the “ Omnipotent ” in creating this earth destine it only for a favoured few to the prejudice and misery of the many ? Or when the Holy Ghost declared that He “ gave the earth to the children of men,” did He mean

to exclude from the benefit of the gift this fair island, and destine it only for a cruel few? Or, otherwise, did He mean to exclude the masses of the Irish race, the most intelligent on the face of the globe, from the category of "the sons of men?"

The Irish landlord idea of the "rights of property" is something utterly astounding. It is simply this—that, not by virtue of mere positive human law or usage, but as of inherent and immutable right, he "can do what he likes" with the land of which he is the "owner" by law. He can "clear" it of every human soul. He can turn it into a wide waste. He can let the billows of the ocean roll over its surface, or hedge it in with a wall of brass. Is it not "his own?" And who, therefore, has any right to interfere between it and him, and control him in its management? This is the landlord idea of his proprietary rights in Ireland. He never permits the notion of any "right" whatsoever, on the part of the multitude, of the people born on the soil, whose fathers tilled the soil, and developed its latent fertility, to enter his soul. For them that great all-just God, who is no "acceptor of persons," is supposed by the landlord to have no regard at all. He alone, be he the scion of a great ancestral house, or the "brutal upstart of yesterday," weighs, in the estimation of the Most High, whole baronies of creatures equally human with himself, all of whom may be his equals, many his superiors in the possession of all these human attributes which, even more than the human shape, essentially distinguish the man from the beast. In vice and villany alone he often bears away the palm. Yet such a creature monstrously claims whole regions of land as specially created for himself, to the exclusion of thousands and tens of thousands of better men.

This pernicious delusion must be at once eliminated from the territorial mind. The landlord must be sent to

school again to unlearn a destructive lesson taught him by the traditions of ascendant power, and brute force and oppression, and to imbibe a maxim almost self-evident—that God created the land not for the few but for the many; and that, therefore, any human laws, such as the monstrous land-code of Ireland, giving the few an absolute, irresponsible property in the land, to the prejudice of the many, is an infringement of the Law and Intent Divine, and ought therefore to be irrevocably abrogated. “The land of Ireland,” writes Mr. Mill, “the land of any country, belongs to the people of that country. The individuals called landowners have no right, in morality and justice, to anything but the rent or compensation for its seasonable value. . . . It is the duty of Parliament to reform the landed tenure in Ireland: There is no necessity for depriving the landlord of one farthing of the pecuniary value of their legal rights; but justice requires that the actual cultivators should be enabled to become in Ireland what they will become in America—proprietors of the soil which they cultivate.*

And again, he lays down the fundamental maxim, that property in land is essentially different from all other kinds of property, which are the result and reward of industry, economy, and skill. It is on the same basis he grounds the claim for perpetuity of tenure on the part of the industrious cultivator of the soil.

“The essential principal of property,” says he, “being to assure to all persons what they have produced by their labour and accumulated by their abstinence, this principal cannot apply to what is not the produce of labour, *the raw material of the earth*. If the land derived its productive power wholly from nature and not at all from industry, or if there were any means of discriminating what is derived from each source, it not only would

* Mill on Polit. Econ. c. x.

not be necessary, but it would be the height of injustice, to let the gift of nature be engrossed by individuals. . . . A holder will not incur this outlay when a stranger, and not himself, will be benefited by it. If he undertakes such improvements he must have a sufficient period before him in which to profit by them, and he is no way so sure of having a sufficient period as when his tenure is perpetual.

“These are the reasons (industry and improvements) which form the justification, in an economical point of view, of property in land. It is seen that they are only valid *in so far as the proprietor of land is its improver*. Whenever in any country the proprietor ceases to be an improver, political economy has nothing to say in defence of landed property as there established. In no sound theory of private property was it ever contemplated that the proprietor of land should be merely *a sinecurist quartered on it*.” And speaking even of England itself, he says—“Even in granting leases, it is in England a general complaint, that they tie up their tenants by covenants grounded on the practices of an obsolete and exploded agriculture : whilst most of them, by withholding leases altogether, and giving the farmer no guarantee of possession beyond a single harvest, keep the land on a footing little more favourable to improvement than in the time of our barbarous ancestors :—

——‘Immetata quibus jugera liberas
Fruges et cecorum ferunt
Nec cultura placet longior anno.’

Landed property in England is thus far from completely fulfilling the conditions which render its existence economically justifiable. But, if insufficiently realized even in England, in Ireland those conditions are not complied with at all. With individual exceptions (some of them very honourable ones) the owners of Irish estates

do nothing but drain it of its produce. What has been epigrammatically said in the discussion on 'peculiar burthens' is literally true when applied to them : that the greatest 'burthen on land' is the landlords. Returning nothing to the soil, they consume its whole produce, minus the potatoes, strictly necessary to keep the inhabitants from dying of famine : and when they have any purpose of improvement the preparatory step usually consists in not leaving even this pittance, but turning out the people to beggary, if not to starvation. When landed property has placed itself on this footing it ceases to be defensible, and the time has come for making some new arrangement of the matter. When the 'sacredness of property' is talked of, it should always be remembered that any such sacredness does not belong in the same degree to landed property. NO MAN MADE THE LAND. It is the original inheritance of the whole species. Its appropriation is a question of general expediency. When private property in land is not expedient it is unjust. It is no hardship to any man to be excluded from what others have produced : they were not bound to produce it for his use ; and he loses nothing by not sharing in what otherwise would not have existed at all. But it is some hardship to be born into the world and to find all nature's gifts previously engrossed and no place left for the new comer. To reconcile people to this, after they have once admitted into their minds the idea that any moral rights belong to them as human beings, it will always be necessary to convince them that the exclusive appropriation is good for mankind on the whole, themselves included. But this is what no sane human being could be persuaded of, if the relation between the landowner and the cultivator were the same everywhere as it has been in Ireland."

Nowhere in the globe has it been or is it the same.

“Landed property,” he adds, “is felt, even by those most tenacious of its rights, to be a different thing from other property; and where the bulk of the community have been disinherited of their share of it, and it has become the exclusive attribute of a small minority, men have generally tried to reconcile it, at least in theory, to their sense of justice, by endeavouring to attach duties to it, and erecting it into a kind of magistracy, moral and legal. . . . But if the State is at liberty to treat the possessors of land as public functionaries, it is also at liberty to discard them. The claim of the landlord to the land is altogether subordinate to the general policy of the State. The principle of property gives them *no right* to the land, but only a right to compensation for whatever portion of their interest in the land it may be the policy of the State to deprive them of. . . . To me it seems almost an axiom that property in land should be interpreted strictly, and that the balance in all cases of doubt should incline against the proprietor. . . . The species at large still retains, of its original claim to the soil, as much as is compatible with the purposes for which it parted with the remainder.”

So far Mill himself; and in a note he quotes Sismondi as follows:—“What endowed man with intelligence and perseverance in labour—what made him direct all his efforts towards an end useful to his race—was the sentiment of perpetuity. The lands which the streams have deposited along their course are always the most fertile, but are also those which they menace with their inundations or corrupt by marshes. Under the guarantee of perpetuity man undertook long and painful labours to give the marshes an outlet: *Under the same guarantee*, man, no longer contenting himself with the annual products of the earth, distinguished, among the wild vegetation, the perennial plants, shrubs, and trees, which would

both proprietors and people. Constant absentees should be made sell out all their estates in lots suitable to small resident purchasers. In this category, of course, are included the absentee "companies." Large proprietors should be made to part with a certain proportion, at, of course, a reasonable figure. Every tenant should have the right to, gradually, say in twenty years, buy out his farm, advancing, annually, a certain portion of the purchase-money, with interest on the rest. This would be the nearest approximation to the Prussian system; but as danger is not near enough the landlords' door for the adoption of such a scheme, the next best is tenant-security, by immunity from eviction during payment of stipulated valuation rent. Paley declares that "the first rule of national policy requires that the occupier should have sufficient power over the soil for its cultivation; it is indifferent to the public in whose hands this power resides, if it be rightly used; it matters not to whom the land belongs if it be well cultivated." He regards tenure at will as "conditions of tenure which condemn the land itself to perpetual sterility." Therefore he considers that legislation, putting an end to such anomalies, "whilst it has in view the amelioration of the soil, and tenders an equitable compensation for every right it takes away, is neither more arbitrary nor more dangerous to the stability of property than that which is done in the construction of roads, bridges, embankments, canals, and indeed in almost every public work in which private owners of property are obliged to accept that price for their property which an indifferent jury may award."*

Of course not. But feudal ideas and traditions so distort the judgment of Irish landlords that any interference, even on the part of the supreme legislature between the

* Moral Phil., p. 425.

absolute feudal sway of the descendants of robber intruders, and the victims of their rapacity, is denounced as a violation of the first principles of justice and right.

My Lord Clanrickarde and others of his class, who fancy that the very stability of the kingdom depends on the existence of "large estates," and who are shocked at the idea no less of "fixity of tenure" than of "peasant proprietorship," will be shocked still more at the erunciation of such doctrines. But, take care the shock may not be greater by-and-by, from the result of the refusal to entertain them. Let them remember the story of the sibylline books—one cost in the end what was demanded, originally, for the three. In a few years to come, when that "cloud in the west, now not bigger than a man's hand," may break over their heads in fire and fury, those who are now demanding in vain protection against the savage fury of territorial "felonious" tyrants, may, when their turn of power comes, be tempted to act by their oppressors with the same amount of consideration which the latter scrupled not to extend to them. It was thus it happened in France. A few concessions of essential rights were arrogantly denied by crown and coronet. In due time the *chapeaux rouge* took the place of the diadem on the royal head ; a little more, and that head ceased to sit on the royal neck ; while coroneted heads and coronets were scattered over the highways of the land, "strewn like leaves in autumn."

God forbid it should ever come to that with us ; but to something approaching that will and must it come in the end, unless something be done to protect the tenant from the tyranny and rapacity of the landlord. As for these peddling provisions called "compensation for unexhausted improvements," they seem as if spoken in mockery. They actually assume the "right" to absolute ownership of the land, as of a hat or a coat, on the part

of the actual owners. Until this fallacy be dissipated there can be no satisfactory, no final legislation on the great question. Any legislation grounded on that assumption must be essentially vicious. Any legislation ignoring the tenant's right to live on the land he tills, and leaving him liable to arbitrary expulsion, will only make matters worse. Let the correlative rights and duties of both landlord and tenant be based on the axiom, that nature's supreme law has given the peasant as good a claim to his cot as the peer to his castle, and that the crime of the latter in levelling the cot, while the rent is paid, is as great, before high heaven, as that of the former in mining the castle while its occupant left the peasant undisturbed. It is absolutely essential that we shake off the trammels of prejudices and the tyranny of preconceived ideas—ideas formed from a state of things, and in a state of society, superinduced by a long reign of force and ascendancy, when the cries for justice were drowned by the roar of blind passion and infuriate bigotry. The *reductio ad absurdum* argument applies, with all its force, to the case. Given that a landlord has a right from nature or God to evict at will, you may, in twelve months, have Ireland trusting to 8,000 or 10,000 families. They alone have the "right" to remain on the soil. For them alone did God create a country capable, with proper culture and under a paternal government, to support, as we shall see further on, 20,000,000 of people!! As such an idea of the divine will in creating our lovely island is revolting to our very instincts, we are driven to conclude that the landlords have not from nature such a right; therefore that they should not have it from law; therefore that, by law, they should be debarred from its exercise; therefore that the tenant has a right from God and nature to protection against such exercise, and therefore to security of tenure in some direct shape and form.

In one word, the tenant must be as secure in the tenure of his farm as the proprietor in that of his estate. The land was created by divine power, goodness, and wisdom, for one as well as the other. Therefore one should not have power to expel the other,—a unit power to expel a thousand; and therefore society should protect the thousand against the power, the rapacity, the vengeance, and all the other evil passions of the one. To “remove landmarks,” has merited the reprobation of the Holy Ghost (Job. xxiv.). What then must it be to remove unoffending man altogether from the very face of the land? This fell power of eviction at will must be annihilated. The hard-working tiller of the soil must have a foothold on the land he fertilizes by his sweat. The man who gives nothing to that land, but, on the contrary, devours its produce, far away from it, must not also have legal power of life and death over its industrious cultivator. If he does much longer—*Væ Victis*.

Without this absolute security of tenure any land bill *will* prove an illusion; and as the people are quite resolved on no longer submitting to illusions, they are equally resolved on spurning as such any measure which does not make them as free and independent in their tenure of land, while they pay a just rent, as is the landlord himself in the possession of his property. The landlord must no more have power to evict the tenant who earns and pays rent, than the sovereign has to evict the landlord who earns and pays and does nothing. The landlord must no more have power to raise rents at will than the sovereign to impose arbitrary taxes. The last of a long race of kings was justly expelled the kingdom for his arbitrary use of arbitrary power. His illustrious grandfather lost his head for similar excesses; why should royal diadems have been “kicked into the Boyne” less than two hundred years ago, and royal trunks made

headless, a generation or two before, for offences not approaching the misdeeds of Irish landlords in heartless arbitrariness to-day, while these landlords are still permitted to revel in their inhuman excesses?

“If,” said the author of the “Sophisms of Free Trade,” nearly thirty years ago—“*If, instead of the old precarious holdings, there be an allotment in fee, or for a long term, with a nominal, or even moderate, but fixed rent, what has happened on the sandy wastes of the Low Countries, will happen in Ireland—the desert will soon rejoice.*” The public interest and your own requires the sacrifice—if sacrifice it be.”

Government should be prompted to some such great effort, not merely by the cry of the landholders, that they are losing their estates, but much more by the cry of the masses that they are losing their lives. Humanity is, it cannot be too often repeated, the profoundest policy. But in all questions of duty, deliberation itself is disgraceful where the duty is clear.

An outcry against what would be called an agrarian law might be raised. But what more destructive agrarian law can be conceived than the present Irish Poor-law? How are proprietors and encumbrancers most effectually despoiled? By a sacrifice—perhaps a temporary sacrifice—of a part of their estates or security, not only for the preservation, but for the incalculable augmentation of the value of the residue, or by proceedings for the forced sale of encumbered estates.

Here we are deluded by our English notions. We assume that Ireland is necessarily to be everywhere parcelled out in large farms, and cultivated by day labourers, in receipt of wages, after the English system. But it is still a matter of controversy, not only in England and Ireland, but on the continent, and particularly in France, which, on the whole, is, after all, the best—large farms or small—*la grande, ou la petite culture*. It is certain that

in Belgium mere occupation of the most arid and sandy deserts in Europe, by peasant squatters without capital, has gradually transformed those deserts into the most fertile land. It is the opinion of many practical persons well qualified to decide, that "small pieces of land, occupied by the labourer and his family, not as heretofore, at a high rent, with an uncertain tenure, but in fee, or for a long term, with security for the reimbursement of improvements, is the sort of cultivation which is best for a large part of Ireland."*

All this goes much farther than I seek to reach. Though to all it would be a matter of preference, I do not insist on the English minister of to-day playing the *Stein* and Hardenberg of Prussia sixty years ago. I merely demand, as a matter of natural, rational, instinctive, human right, that the peasant, in his own humble way, be as secure in his hut as the peer in his castle—that to him the hut become in fact, what it is in fiction of law, really "a castle."

"Is a system," demands Sadlier, thus forestalling by forty years the sentiment of a Lord Clarendon, "which can only be supported by brute force, and which is kept up by constant blood-letting, to be perpetuated for ever? Are we still to garrison a country to protect the property of those whose conduct occasions all the evils *under which the country has groaned for centuries*—property which has been treated in a manner *that it would not be worth a day's purchase were its proprietors its sole protectors*; but the presence of a large body of military and police enables them to conduct themselves *with as little apprehension as remorse?*" Recent events from Tipperary to Galway pretty significantly suggest, that "REMORSE" being out of the question, "apprehension" at least should dictate to those mere monsters, "at least (that) one degree of mercy"

* "Sophisms of Free Trade," by an English Barrister.

which Dean Swift recommended them long ago. In fact, the people have come to the fixed belief that, all law being on the landlords' side, well-grounded apprehension alone can bring them to a sense of common humanity. But Sadlier proceeds—"The possessions of the whole empire would be lost to their owners WERE SUCH CONDUCT GENERAL; and are these so meritorious a class that they are to be protected in the audacious outrage of all those duties, upon the direct and reciprocal discharge of which the whole frame of the social system is founded? If they persist in this course let them do so at their peril; the British soldier is too noble a being to be degraded into the exactor of enormous rents."* Yes, to repeat it, "AT THEIR PERIL." We proclaim it from the house-top, if now, in the wane of the nineteenth century, government will not effectually protect us from all and every aggression of these territorial tyrants, nothing remains to us but to protect ourselves. It is a very melancholy alternative—the very last that should be had recourse to; but, finally unprotected by constitutional law, what remains to the unfortunate down-hunted Irish tenant (*a non tenendo* it would seem so called) but to protect himself and his by a law higher, earlier, holier than any positive human enactment—the supreme natural law of *self-defence* as against brutal aggression? To repeat it, the alternative is absolutely appalling; but it is only a choice between evils—the extirpation of a tyrant class, or the extermination of a noble race—in default of just and wise legislation.

The English barrister already referred to, Sergeant Byles, puts the whole case in a nutshell when he says: "A portion of the land itself must be allotted to each family whom you (the landlord) or your new district cannot employ. And there must be no more letting of

* "Ireland, its Evils and Remedies," sec. edition, pp. 161-2.

land in small patches, *with uncertain* tenures at high rents!"

But the whole passage is well worth reproduction. Here it is:—

"Our first measure really directed to the social condition of Ireland was the Irish Poor-law. But what a poor-law! and with what other measures accompanied!

"How plant Ireland afresh? or rather the disorganized rural districts of the south and west of Ireland?

"A gigantic scheme, it must be confessed, and not to be expected from any statesman professing the let-alone doctrines now so fashionable—but quite practicable, and practicable at far less expense than Ireland has entailed on England in a single year.

"Every family, every man, woman, and child must, in the first instance, be settled by Act of Parliament in some district of moderate size, with suitable provisions for gaining other settlements, so that, on the one hand, a proprietor may not, by a clearance, be able to rid his estate of its fair proportion of the poor.

"A change of residence alone must be a change of settlement. The law would then thus address the proprietor of every district: 'Here are your poor, maintain them you must; and therefore you had better employ them, as you will soon discover. *They are the first charge on the land.* But you now know the worst. Continue to maintain and employ these; the land is ample, and will leave you a large surplus, and you shall have no other poor to maintain.'

"We should thus find labour and the land artificially brought together by law, and married at once,—a fruitful union, which the natural course of things might, or might not have affected, after the lapse of several generations.

"But the proprietor or occupier might say, and with justice, 'I have no money. How can I pay either rents

or wages? The law again replies, 'I don't ask it. It may not be possible. It may be that large farms and paid labourers are not suited for Ireland as they are for England ; but still the principle must be followed out.'"*

These poor are the first charge on the land. "*A portion of the land itself must be allotted to every family whom you or your new district will not, or cannot employ. And there must be no more letting of land in small patches, with uncertain tenures, at high rents.* THE POOR MUST LIVE, and if they are not to live on the land, the interest of the state requires that they should have every encouragement and spur to improvement."

This is Christian philosophy indeed—not the barren, narrow, selfish philosophy of the mere political economist, but that philosophy which starts with the fundamental truth, that "the poor (as well as the rich) have a right to live," to live not as swine, not as squalid paupers, but as men, on the land, or by the land which God created for the children of men.

And this essential truth Irish landlords and their henchmen, the M'Cullochs, Malthuses, and Martins, of the mere political philosophy school, totally ignore. The life of a few thousand exterminators is worth 30,000 bayonets a year, 3,000,000 human lives in twenty years, and the sacrifice of the daily happiness from year to year of 6,000,000 or 5,500,000 more.

"How plant Ireland afresh?" A startling, yet not an unnatural question. Ireland has been "planted" over and over again ; but, strange phenomenon ! her people are as yet to be rooted out of her soil. By right, natural and divine, that soil—the use and property of that soil—is theirs, but, by the wrong of man, their title is ignored, and not alone the use and usufruct, but the very "property" of the soil was once conferred on a few "strangers;"

* "Sophisms of Free Trade," by an English Barrister.

and, by a prescription of wrong, that "property," absolute and irrevocable, is confirmed to their descendants. Again we must not be misunderstood as suggesting the abstraction or alienation of one farthing's worth of that "property" from its actual possessors. Though we hold that the original titles were radically null and void, we are not yet blind to the difficulties that would lie in the way of their peaceful and legal revocation. The great bulk of Irish proprietors, before the sales effected in the Incumbered and Landed Estates Courts, held under patents conferred by the canting marauder Oliver Cromwell. "The latter," says Mr. Butt, "is the title of by far the greater portion of them. Probably, no man at the Irish bar ever saw a devolution of title that did not commence with a patent granting a forfeited estate."*

Such is the title to their estates of the great autocrats who ring the changes on "the rights of property," "tenant right—landlord wrong," &c., &c. But to particularize, let me furnish the following from Lord Clare, quoted by Mr. Butt, premising that in my opinion the argument in favour of "fixity of tenure" could not, by human possibility, be more clearly, forcibly, strikingly put, than it is by the learned leader of the Irish bar himself in his inimitable pamphlet:—

"After desolating the country for seventeen years," said his lordship—then Lord Fitzgibbon—(the rebellion of 1641)—"it terminated in the extinction of the principal families, and in nearly a total revolution of the property of Ireland; for, upon the final settlement of the Acts of Settlement and Explanation, it appears, by the Down Survey, that 7,800,000 acres of land were set out by the Court of Claims, principally, if not entirely, in exclusion of the old Irish proprietors." On which Mr. Butt

* "Land Tenure in Ireland," p. 24.

most appropriately remarks: "The old proprietors included the Anglo-Norman families, who had come into Ireland with Strongbow; a sufficient answer to those who tell us we ought as well look for traces of the Norman conquest as producing discontent in England as seek in Irish confiscations for the origin of the difficulties of the land question. What would now be the state of England if Charles II. had been restored by French bayonets, and if two-thirds of all English lands had been allocated to the French and Roman Catholic adventurers who regained for him the crown—nay more, if these proprietors had been guarded by laws that kept down the mass of the people, while the exercise of the most extreme right of property was enforced for them by an overwhelming French military force?"

But the proprietors will never admit the entrance of such unpleasant comparisons into their minds. They are the proprietors, *per fat aut nephas*. The descendants of "the disinherited" are serfs on their estates, and the new-fangled landlord, and the worthy descendant of the new-fangled landlord, actually claim credit for not having teetotally "cleared" off these serfs, though it has been no fault of the new-fangled that the "clearances" have not been made complete a full century ago. But Lord Clare proceeds: "From the final execution of the Acts, of Settlement and Explanation down to the present day, the people of this country have consisted of two distinct and separate castes—the one, with a short intermission possessed of the whole property and power of the country, the other expelled from both."

How a kingdom thus "divided against itself" has been able to stand, is explained by the fact that another kingdom, of which it has been so well said,

Nostra miseria magna es,

studiously fomented the divisions for the purpose of thus the more securely perpetuating her own domination.

The following I furnish with Mr. Butt's running commentary:—

“He thus describes the condition of the Protestant settlers at the Revolution, a condition which remained unaltered when he spoke:—

“‘They were an English colony settled in an enemy's country, which had been reduced by the sword to a sullen and refractory allegiance. The experience of a century has proved that, from an opposition of laws, customs, interests, and religion, the natives of the country have contracted an incurable hatred to them.

“‘In this colony, thus circumstanced towards the native population, confiscations had vested the whole property of the kingdom.

“‘The fiercest civil convulsions of England left no such “thunder scars” upon her social state.’

“In 1800 Lord Clare's language was more decided and distinct. I would earnestly recommend his speech upon the question of the Union to the careful study of those who think that *the condition of the proprietary right in Ireland is that which belongs to an ordinary and settled state of social life*:—

“‘It is,’ says Lord Clare, ‘a subject of curious and important speculation to look back to the forfeitures of Ireland incurred in the last century. The superficial contents of the island are calculated at 11,042,682 acres.’ (I may here remark that the 11,042,682 acres must be the cultivated land, the whole area of Ireland being over 9,000,000, nearly 10,000,000, more.) ‘Let us now examine the state of these forfeitures.

“ ‘ Confiscated in the reign of James I.

	ACRES.
The whole Province of Ulster - -	2,836,837
Set out by the Court of Claims at the Restoration - - - - -	7,800,000
Forfeitures in 1688 - - - - -	1,060,792
<hr/>	
TOTAL, -	11,697,629

So that the whole of your island has been confiscated, with the exception of the estates of five or six old families of English blood, some of whom had been attainted in the reign of Henry VIII., but recovered their possessions before Tyrone's rebellion, and had the good fortune to escape the pillage of the English Republic inflicted by Cromwell, and no inconsiderable portion of the island has been confiscated twice, or perhaps thrice, in the course of two centuries. The situation, therefore, of the Irish nation at the Revolution stands unparalleled in the history of the inhabited world. If the wars of England carried on here since the reign of Elizabeth had been waged against a foreign enemy, the inhabitants would have retained their possessions under the established law of civilized nations, and their country would have been annexed as a province to the British Empire. But the continued and the persevering resistance of Ireland to the British crown during the whole of the last century, was mere rebellion, and the municipal law of England attached upon the crime. What, then, was the situation of Ireland at the Revolution? and what is it to-day? The whole property and power of the country have been conferred by successive monarchs of England upon the English colony, comprised of three sets of English adventurers, who poured into this country at the termination of three successive rebellions. *Confiscation is their common title*, and from the first settlement they have been hemmed in on every side by the old

inhabitants of the island, brooding over their discontents in sullen indignation.'

"And speaking of the Cromwellian 'set of adventurers'—'motley adventurers'—he says:—

" 'Cromwell's first act was to collect all the native Irish who had survived the general desolation, and who had remained in the country, and to transplant them into Connaught, which had been completely depopulated and laid waste in the progress of the rebellion. They were ordered to retire thence by a certain day, and forbidden to repass the Shannon under pain of death, and this sentence of depopulation was rigidly enforced until the Restoration. Their ancient possessions were seized and given up to the conquerors, as were the possessions of every man who had taken part in the rebellion or followed the fortunes of the king after the murder of Charles the First. And this whole fund was distributed among the officers and soldiers of Cromwell's army, in satisfaction of arrears of their pay, and adventurers who had advanced money to defray the expenses of the war. And thus a new colony of new settlers, composed of all the various sects that then infested England—Independents, Anabaptists, Seceders, Brownists, Socinians, Willenardans, and dissenters of every description, many of them infected with the leaven of democracy, poured into Ireland, and were put into possession of the ancient inheritance of its inhabitants. And I speak with great personal respect of the men, when I state that a very considerable portion of the opulence and power of the kingdom of Ireland continues at this day in the descendants of those *motley adventurers*.' " *

By a piece of ingratitude, almost without parallel in history, this wholesale confiscation was confirmed to regicides by the restored son of the murdered king. This

* "Land Tenure in Ireland."

was effected by the Act of Settlement and Explanation, which first vested all the confiscated property in the crown, which then restored it to the "motley crew of adventurers," to the exclusion of the "disinherited." Having thus, in the first instance, vested three-fourths of the lands and personal property of the inhabitants of this island in the king, he appoints commissioners with full and exclusive authority to hear and determine all claims upon the general funds, whether of officers or soldiers for arrears of pay, of adventurers who had advanced money for carrying on the war, of innocent Papists as they are called—in other words, of the old inhabitants of the island who had been dispossessed by Cromwell, not for having taken a part in the rebellion against the English crown, but for their attachment to the fortunes of Charles II. But with respect to this class of sufferers, who might naturally have expected a preference of claim, a clause is introduced by which they are postponed, after a decree of innocence by the commissioners, until previous reprisals shall be made to Cromwell's soldiers and adventurers, who had obtained possession of their inheritance.

"I wish gentlemen who call themselves the dignified and independent Irish nation, to know that 7,800,000 acres of land were set out under this Act to a motley crew of English adventurers, civil and military, nearly to the total exclusion of the inhabitants of the island, many of whom, who were innocent of the rebellion, lost their inheritance, as well for the difficulties conjured up in the Court of Claims in the *proofs required of their innocence*, as from a deficiency in the fund for reprisal to English adventurers, arising chiefly from a profuse grant made by the crown to the Duke of York."*

And it is the descendants of this "motley crew" of public robbers that raise the cry to-day of "the sacred

* Lord Clare's Speech.

rights of property," "confiscation," and so-forth, when there is question, not of restoring their plunder to the descendants of its original rightful owners, not of depriving themselves of a single sod of their unjustly acquired territorial possessions, but of securing to the many who are born on the soil owned by their fathers, and whose labour and sweat enrich that soil, a foothold thereon, and exemption from the capricious and tyrannical oppressions of this brood of marauders—this progeny of "a motley crew of English adventurers."*

Quis tulerit Gracchum de seditione qucerentem.

Strange enough, indeed, to hear a Gracchus inveigh against sedition ; but that the descendants of a Cromwellian "soldier" or "adventurer," who, in the day of their strength, showed so much respect for the "sacred rights of property," whose title to what is called their property is simply confiscation, should be so loud, as the bulk of the Irish landlords of this time are, in their reprobation, not, indeed, and to repeat it, of "confiscation," or "spoliation," but of any attempt to limit their unlimited power of doing wrong—a power so hideously and unscrupulously exercised—is a phenomenon which only the traditions of a Cromwellian spirit could produce. Against all law and right, human and of nature, and merely by brute force, the "motley crew" first obtained absolute possession of the land. Against all right, and what ought to be laws, their descendants want to retain, not possession of the wide acres thus iniquitously alienated, but such absolute ownership as would deprive millions of any right even to breathe on the land ; in a word, an ownership implying that the land thus so forcibly and cruelly abstracted from its rightful owners was originally created by the Omnipotent for the descendants of the "motley crew" of marauders.

* Speech, 10th February, 1800.

In fact, had they been put into possession specially by the divine hand itself, their pretensions could not be more lofty, their claims more absolute than they are. But that the sons of intruders, whose title to their estates is founded on confiscations, conducted in Ireland on principles involving a violation of all the laws of civilized nations, should claim a right divine, not merely to the ownership of the landed "property," their "title to which is confiscation," but to "doing with it as they like," is to-day, in the wane of the nineteenth century, a pretension so preposterous, that in no other country but the trampled province of a dominant nation could it be, for a moment, entertained. But can the leopard change his skin? and of the veritable Cromwellian it may be truly said again :—

"Duravit ad imum

Qualis ab incepto processerat et sibi constat."

"Like father, like son," and, blind to the mighty changes which "intellect's march" is working throughout the world, the son of the Cromwellian will lord over his serfs of to-day as despotically, as heartlessly, as his trooper great-grand-sire did two hundred and a quarter years ago.

But "to insist," as Edmund Burke said, "on everything done in Ireland at the Revolution, would be to insist on the severe and jealous policy of a conqueror in the crude settlement of his new acquisition, as a permanent rule for its future government. This no power, in any country that I ever heard of, has done or professed to do, except in Ireland."*

Not alone this, but, as we shall see, in the words of W. Bicheno, "Profit being almost all he (the Irish landlord) aims at, every new project is favoured as it assists

* Butt, "Land Tenure in Ireland."

him to obtain his end. The laws in his favor are already more summary and stronger than they are in England, and he is yet calling for additional assistance. The condition of the peasantry is reduced to a lower scale by every new power that is created. *Every fresh law* exonerates the proprietors more and more from cultivating the good opinion of their dependents, and, moreover, removes the odium of any oppression from the individual who ought to bear it, to the state.”*

Thus it is precisely to-day. Every new act of oppression on the part of the “brutal upstart of yesterday,” is credited by the outraged and thus disaffected victim, and his million sympathisers, to the government which gives it the sanction of law.

The same author thus, after Lord Clare, describes those Cromwellian settlers whose grand-children have made all our murderous land laws :—

“All former settlers had found it their interest to adopt the system of the country, and fall in with the established customs of the people. It was the misfortune of the Cromwellians to go thither with a new religion and new politics, a new system of agriculture, and a new relation between landlord and tenant, subversive of everything that existed, from the highest to the lowest human being. They carried with them neither attachments, sympathies, social ties, nor patrimonial influence.”†

And it is their present posterity that would claim the greater part of Ireland as their absolute and exclusive inheritance by right of nature and of God.

Paley thus defines what property is, and in order to legislate equitably for all orders and grades of society, the fundamental concept here expressed cannot be lost sight of : “The introduction of property,” says he, “was

* “Economy of Ireland,” p. 164.

† *Ibid.*

consented to by mankind" (*I would rather say was recognized as a social necessity* by mankind, considering the moral constitution of man, an essential condition of whose existence is to live in what is called society,—not, indeed, in the Belgravian or conventional drawing-room sense of the term, but in the broad religious and human acceptation, as meaning a living of men among one another as a moral whole, and not each one for and by himself, to be ruled and guided only by his own whim, pleasure, or passion), upon the expectation and *condition that there should be left to every one a sufficiency for his subsistence, or the means of procuring it.* And, therefore, when the partition of property is *rigidly maintained against the claims of indigence and distress, it is maintained in opposition to the intention of those who made it,* and HIM who is supreme proprietor of everything, and who has filled the earth with plenteousness *for the sustentation and COMFORT* of all whom HE sends into it.*

"Not at all," says the real Cromwellian landlord. "Not for the sustentation, much less for the comfort of all; it is only for my special indulgence, luxury, and riot. As for the Creator thinking of my serfs, why, the thought is profanation." And yet the prophet of that supreme Lord of all land proclaims—"Relieve the oppressed, judge the fatherless, plead for the widow."† (A Cromwellian banished the widowed mother of the author for allowing her daughter into her house!!!) "Is not this the fast that I have chosen, to loose the bands of the wicked, to let the oppressed go free, *and that ye break every yoke?* Is it not to deal thy bread to the hungry, and that thou bring the poor that are cast out into thy house (extermination even in these days!); when thou seest the naked, cover him, and that thou

* Moral Phil. Book V. c. iii.

† Is. i. 17.

hide not thyself from thy own flesh."*—The great precept, which is the fulfilling of the Law and Prophets, the essence of the Decalogue, the entire precept of the Gospel of Christ, and yet one of which a real Irish Cromwellian has yet to learn the most elementary notion.

The following, from the same weighty authority, so beautifully and appositely illustrates the relations of landlord and tenant in Ireland, that I deem it well worthy of quotation :—

"If," wrote he, "you should see a flock of pigeons in a field of corn, and if (instead of each picking where and what it liked, taking just as much as it wanted, and no more) you should see ninety-nine of them gathering all they got into a heap, reserving nothing for themselves but the *chaff and the refuse*, keeping this heap for ONE, and that the WEAKEST, perhaps, and the WORST PIGEON OF THE LOT—sitting and looking on all the winter, whilst this one was *devouring, throwing about, and wasting it*; and if a pigeon more hardy and hungry than the rest touched a grain of the horde, all the others instantly flying at him, and tearing him to pieces,—if you should see this, you would see nothing more than what is every day practised and established among men. Among men you see ninety-and-nine men toiling and scraping together a heap of superfluity for one—getting nothing for themselves all the while, but a little of the coarsest of the provisions which their own labour produces; whilst the one for whom they toil and accumulate is oftentimes the worst and the feeblest of the whole set—a child, a woman, a madman, or a fool; whilst they calmly see the whole fruit of all their labour spent and *spoiled*; and if one of them take, or even touch a particle of it, the others join against him and hang him forthwith."† This would be more appropriate

* *Is.* lviii. 6, 7

† "Economy of Ireland," c. i. part 1.

still if he had made the flock 990, and the bad, lazy, idle, cormorant birds ten, who arrogated to themselves the right not merely to live on, but seize and squander the hard-earned gatherings of the 990, all of whom these ten would hang or turn out of the field for touching the fruit of their industry.

The same author (whose work forms part of the Cambridge course) writes as follows :—

“ With respect to the *encouragement* of husbandry, in this, as in every other employment, the true reward of industry is in the price and sale of the produce. The exclusive right to the produce is the only incitement which acts constantly and universally—the only spring which keeps human labour in motion. All, therefore, that the laws can do is to secure this right to the occupier of the ground ; that is, to constitute such a system of *tenure, that the full and entire advantage of every improvement go to the benefit of the improver ; that every man work for himself and not for another ; and that no one share in the profit who does not assist in the production.* By the *occupier* I here mean, not so much the person who performs the work, as him who procures the labour and directs the management ; and I consider the whole profit as *received* by the occupier, when the occupier is benefited by the whole value of what is produced, which is the case with the tenant who pays a fixed rent for the use of land, no less than with the proprietor who holds it as his own. The one has the same interest in the produce, and in the advantage of every improvement, as the other. Likewise the proprietor, though he grant out his estate to farm, may be considered as the *occupier*, insomuch as he regulates the occupation by the choice, superintendence, and encouragement of his tenants, by the disposition of his lands, *by erecting buildings, providing accommodations, by prescribing conditions, or supplying implements and materials*

of improvement; and is entitled, by the rule of public expediency above mentioned, to receive, in the advance of his rent, a share of the benefit which arises even from the increased produce of his estate."

We will observe that Paley founds the landlord's right to raise the rent, not, like some of our Irish landlords, on the fact that the land is *his*, and that he "may do what he likes with his own," *but on the fact that he has contributed to increase the productiveness of the soil* "by erecting buildings, providing accommodations, by prescribing conditions, or supplying implements and materials of improvement." *A fortiori*, therefore, the griping Irish landlord, who fulfils none of these conditions, who expends not one penny on improvements or implements, who does not, even indirectly or remotely, assist in the *production*, has no right whatever, agreeably to Paley's principles, to claim a fraction of the *profit*. *And yet, as we all well know, this is precisely what the law enables him to do.*

"The violation of this fundamental maxim of agrarian policy, constitutes," continues Paley, "the chief objection to the holding of lands. The inconveniency to the public arises not so much from the inalienable quality of lands thus holden in perpetuity, as from hence—that *proprietors of this description seldom contribute much either of attention or expense to the cultivation of their estates, yet claim, by the rent, a share in the profit of every improvement that is made upon them. This complaint can only be obviated* (mark this, for it is exactly the case of our own Irish tenants) by 'LONG LEASES AT A FIXED RENT,' *which convey a large portion of the interest to those who actually conduct the cultivation.*"

"*Long leases at a fixed rent.*" Such would be Paley's "Landlord and Tenant Bill." I confess I would interpret "long" by "renewable for ever," as thus alone could I

recognize, practically, the fundamental truism that God meant the land for man, not for 21, or 61, or 99 years, but until the angel shall have come to sound the last trumpet, summoning the living and the dead to general judgment, at which both landlord and tenant will get a lease that never shall or can be broken.

To this it is objected, as we see it even in the correspondence of the *Times*' Special Commissioner, that such a lease would be equivalent to a tenure in fee, and to which I reply: "Truly, if you gave the land to the tenant on the terms on which it was originally vested in the ancestors of the present proprietors, and is still held by themselves—that is, *for nothing*. But you only confuse things by confounding names, when you call a tenure at a rent of five, or six, or ten per cent. interest on a ten or twenty years' purchase, a tenure in fee.

But what if it really were a tenure in fee? Who is the loser? No one. Not the landlord; for he is supposed to obtain the value of his "property" up to the last farthing, according to state valuation! Not the tenant-in-fee—now, if you like to call him so, "a peasant proprietor;" for his social condition is raised, his prospects are brightened, his sense of independence developed, his interest in the soil enhanced, while his disbursements remain the same. Instead of paying rent to the "landlord," he pays it to the state; or, more accurately, he changes landlords—a petty tyrant, as he may be, whose selfishness, and avarice, and bigotry, and jealousy of political power, rule his every act—for the state, the vital interest of which is to have every citizen, or "subject," as the case may be, contented and happy, attached to the soil, and prepared to defend it, in its need, with the last drop of his blood.

On the subject of Peasant Proprietorship, which is pronounced a chimera even this day by the Conserva-

tive organs of English opinion—in fact, is declared a synonyme with “confiscation”—Mill writes as follows:—

“The truly insular ignorance of her (England’s) public men respecting a form of agricultural economy which predominates in nearly every other civilized country, makes it only too probable that she will choose the worse side of the alternative—depopulation or peasant proprietary to some extent. Yet there are germs of a tendency to the formation of peasant proprietors on Irish soil, which require only the aid of a friendly legislator to foster them ; as is shown in the following extract from a private communication by my eminent and valued friend Professor Cairnes.”*

The extract is interesting, but not very material.

Again, comparing Ireland with India, he writes:—

“The case of Ireland is similar to that of India. In India, though great errors have been from time to time committed, no one ever proposed, under the name of agricultural improvement, to eject the ryots or peasant farmers from their possession. The improvement that has been looked for has been through making their tenure more secure to them, and the sole difference of opinion is between those who contend for perpetuity and those who think that long leases will suffice. The same question exists as to Ireland ; and it would be idle to deny, under such landlords as are sometimes to be found, do effect wonders, even in Ireland. But then there must be leases at a low rent. . . . A perpetuity is a stronger stimulus to an improvement than a long lease. . . Besides, while perpetual tenure is the general rule of landed property, *as it is in all* the countries of Europe, a tenure for a limited period, however long, is sure to be regarded as something of inferior consideration and dignity, and

* B. II, c. x. pp. 205-6.

inspires less of ardor to obtain it, and of attachment when obtained."*

And then he points out the impolicy and cruelty of leaving "rent paid by labourers, who farm not for profit but for bread," to "competition."

Here even a lease did not save the occupier.

Let the insane cry, then, of confiscation cease. By security of tenure nothing is confiscated except the evil power of doing wrong—a hideous power barbarously exercised—the power of a few to sweep millions of God's human ransomed creatures off the face of the earth, for, in the words of the great Bishop of Orleans, "a good reason, a bad reason, or no reason at all"—nay, not unfrequently, as in this very spot, the exercise of the noblest of virtues, conscientious attachment to religious faith, and, in the case of Mrs. Lavelle, by Sir Roger Palmer, for presuming to entertain the natural feelings of a lone and bereaved parent.

Let us now take a cursory view of the land tenure of other countries, ancient and modern, contrasting the wise and large-souled policy of all, with the narrow, selfish, and destructive land legislation for Ireland.

* Id., Ib.

CHAPTER III.

LAND TENURE THROUGHOUT EUROPE.

"On the continent, though there are some dissentients from the prevailing opinion, the benefit of having a numerous proprietary population exists in the minds of most people in the form of an axiom."—*Mill's Polit. Econ.*, b. 2, c. v.

PRUSSIA.

ONE of the most remarkable agrarian peaceful revolutions effected in Europe within the present century, was that wrought by the patriotism and energy of Stein and Hardenberg in Prussia, sixty years ago. By a succession of determined strokes they broke down the citadel of feudal despotism, which, in the hour of need, was discovered to be utterly worthless for the country's honor and protection. The feudal lords were found too few and too weak to avert invasion, plunder, overwhelming war contributions, and national calamity and disgrace; while the peasants, having no stake in the country for which to stand and battle, showed but faint front to the ambitious foe, and thus between them the country came to ruin and the crown to shame.

In 1807 Prussia lay bleeding and helpless at the feet of France. The campaign of Friedland sounded almost her death-knell as a great European power. She had to cede to her conqueror, for his several protégés and nominees, nearly half her territory, with 4,236,000 souls out of a total population of 9,000,000, besides paying exactions, in the shape of a war-tax, to the amount of £27,000,000,

while her revenue did not exceed £3,000,000 a-year. To this pitiful plight had she been brought by feudality. Stein saw the cause, and he resolved that it should be made to cease. By a decree of the 9th October, 1807—four days after his accession to the prime-ministry—he issued a royal ordinance, by which, in the words of Sir Archibald Alison, “the peasants and burghers obtained the right, hitherto confined to the nobles, of acquiring and holding landed property, while they, in their turn, were permitted, without losing caste, to engage in the pursuits of commerce and industry. Landholders were allowed, under the reservation of the rights of their creditors, to separate their estates into distinct parcels and alienate them to different persons;” and as a result of this change he tells us that “Prussia, amidst the humiliation of unprecedented disasters, and when groaning under the weight of foreign chains, was silently relaxing the fetters of the feudal system, and laying the foundation, in a cautious and guiltless reformation of experienced grievances, for the future erection of those really free institutions which can never be on any other basis than those of justice, order, and religion.”* And those “future free institutions” are described in an admirable pamphlet by Mr. John Levy, Barrister, consisting of a series of letters to the *Irish Times* on the Prussian system, in the following words:—

“Every man in Prussia now has a vote, every man in it is armed, and every man who occupies land is the owner of it; but the Irish people don’t want the gun if they get the vote” (and the land).†

Hardenberg improved on Stein, and, in 1815, perfected the Prussian land code as it now stands, and as is explained in the following paragraph by Mr. Levy:—

* “Hist. Europe,” vol. xi., p. 244-5. † P. 4.

“ I will again explain how the land laws of Prussia enable the landholder to become the owner of his land, and how small estates are created and still preserved, which, in every country where they exist, are the true basis of that moral and legitimate power which the people ought to possess, and which, beyond all doubt, gave nerve and prowess to the Prussian soldier in the late war. When a farm or estate is to be sold in Prussia, the vendor gives notice to the government officer of the circle, who is called an *aufseher*, and whose duty it is to survey and value farms or estates about to be sold. This official, who is paid by the government, makes a map of the lands. That map is hung up in the office of the circle, and the value and description of the property are registered there, and there purchasers always go to inquire. When a purchaser finds what suits him, and that he is approved of by the government officer, he is merely asked to pay one-twentieth of the purchase-money to that official. The transaction is then recorded in the books of the circle, and a transcript of it sent to the *Statts Kanzallie*, or chancery at Berlin; a kind of land debenture is then issued, bearing on the face of it the instalments to be paid, with the interest calculated up to the payment of the last instalment; it then receives the government seal, the government being liable to the holder for the payment of all future instalments, until the whole is paid off; and thus the celebrated land *zettels*, or land notes, of Prussia are created, and are regarded as the best public securities in Europe, being transferable from hand to hand. The payment of the instalments and interest is managed in this way:—When the note or debenture comes back from the *Statts Kanzallie*, it is handed to vendor instead of bank notes, and if he wants to turn it into cash he has nothing to do but go to next *geldwechsler*, or money broker, where he can sell it

at a premium. The purchaser, on the other hand, is bound to pay the instalments and interest to the government officer of the circle where the property is situate and the purchase registered ; and, at the end of twenty years, the purchaser becomes the owner in fee of the property thus purchased, so that almost every landholder in Prussia is the owner of a small estate. It is the custom of the proprietor, when he pays the last instalment, to have a grand festival called a *landfestug*, in order to commemorate the happy event ; and if a stranger is passing through a town or village where these rural festivities are going on, he is sure to be invited.*

Thus can every Prussian landholder really call his "bit of land" his own. No avaricious eye can be successfully cast upon it. No heartless "master" or agent can seize it "at will." And hence did the Prussian fight and conquer, and reverse Friedland in the field of Sadowa.

Little wonder that Mr. Laing, in his "Notes of a Traveller," should pronounce this change "the great and redeeming glory of the reign of Frederic William III. . . . by which Prussia was at once covered with a body of small proprietors, instead of being held by a small privileged class of nobility." "This revolution," says he, "in the state property was almost as great as that which had taken place in France, and it is pregnant with the same results and tendencies. *It gave comfort, well-being, property, to a population of serfs. It emancipated them from local oppression, raised their moral and physical condition, gave them a political, although as yet unacknowledged, existence, as the most important constituent element of the social body.*"† How appropriate to the case of Ireland—with her "small privileged class," her degraded serfs, and her "local oppression." Is there no

* *Ib.* pp. 12, 13.

† "Notes of a Traveller," pp. 83, 85.

Stein or Hardenberg in this country to-day to take pattern by the great Prussian patriots of sixty years ago, or is the country and the empire to be yet longer sacrificed to the pride and pomp and tyranny of a few ?

Another authority, Lord Brougham, ever the bitter foe of Ireland, and no enemy of Irish landlords, gives his estimate of this great Prussian revolution in the following words :—"It is remarkable that the nobles, who had, of course, complained much of so violent an interference with their property, felt soon the benefits resulting from the new arrangement, and especially in the improvement which it effected in the condition of their tenants, that they represented it as advancing them a century the rights of the lord were far more burthensome to the vassal than beneficial to himself" (the lord).* And, equally, in reference to the French Revolution did he declare that "its price was assuredly heavy, but not too heavy compared with the blessings it had purchased."† And is it not notorious that the grand benefit resulting from that terrible convulsion is the fundamental change which it effected in the French tenure of land ? True, of the continental countries, France alone refused towards the close of the last century to let go its feudal hold on the soil: The consequence was—Revolution and Liberation of the Soil. Mr. G. Poulett Scrope informs us that—"In almost every other state of Europe the peasant-occupier was, by the decree of the sovereign, released from his servile dependence on the will of the legal lord of the soil, and *made the owner of his farm at a fixed quit rent.*"‡ Thus is England behind every other country in Europe in her retention of that degrading feudalism of land-tenure, which, if not speedily exploded, will inevitably hasten her downfall. The result of this "release"

* "Political Philosophy," vol. ii., p. 526.

† "His. Sketches," &c., p. 10. ‡ "Irish Relief Measures," 1848.

in Prussia we have sufficiently seen ; let me merely add the testimony of Mr. M'Greggor, who declares, that "in the ten years subsequent to her release Prussia made more progress than in the previous century."* While Alison supplies us with the following testimony on the authority of Malte Brun, Dupin, &c. :—"The main strength of Prussia, however, lies in its agriculture ; and it is in the patriotic spirit and indomitable courage of those engaged in it that the government has found in every age the surest bulwark against foreign aggression.

"So rapid has been the increase of sheep of late years in Prussia, that their number, which in 1816 amounted only to 8,261,400, had risen in 1825 to 14,156,000—that is, nearly doubled ; and the most decided proof of the general increase of rural produce is to be found in the fact, that, though population in Prussia is now advancing more rapidly than any in Europe, and so as to double, if the present progress should continue, in twenty-six years, yet no importation of foreign grain is required. Subsistence, under the influence of increased production, so far from becoming scarce, is constantly declining in price, and the augmented comforts and wants of a prosperous people are amply provided for by the agricultural portion of the community."† No wonder. For, while in Ireland the area of grass land is over 10,000,000 acres, apart from the 5,000,000 waste, and the arable only about 5,500,000, out of a total area of over 20,808,127,‡ in Prussia there were, when Alison wrote, 47,295,716 arpents under tillage, to 16,972,714 in pasture, and 14,326,429 in meadow—double as much given to grass in Ireland as to tillage ; not even so much given to grass as to tillage in Prussia : nearly two-thirds of all the Prus-

* "Commercial tariffs, German States," i. p. 97.

† "Hist. Europe," v. 10, p. 5.

‡ Report of Census Commissioners of 1841. This includes 6,295,735 "waste," and 630,825 under water.

sian soil devoted to agriculture ; little over one-fourth of that of Ireland.

Prussia is striding in the paths of progress and material happiness—Ireland is retrograding day after day. Contemplating these wonderful results of the Prussian peasant proprietorship, the impartial student must feel astounded at that “moral obliquity of vision” which can see nothing, even in a remote approach to it in Ireland, but “confiscation” and communism. Prussia untied her soil, wrested it from the idle grasp of a favored few, giving them a full equivalent in another shape, and conferred it on the many. The natural result soon made itself felt, and Prussia ranks this day the rival of France, the greatest power in Europe. It was the work of “the magic of property.” “The magic of property,” said Arthur Young, “turns sand into gold. Give a man the secure possession of a bleak rock, and he will turn it into a garden ; give him a nine years’ lease of a garden, and he will turn it into a desert.”

The Prussian sandy plains were little better than a desert in the days of Frederick the Great. The following sketch from Mr. Kay tells us what they are to-day, under the new system of peasant proprietorship :—

“Reichensperger, himself an inhabitant of Prussia, where the land is most subdivided, has published a long and very elaborate work, to show the admirable consequences of a system of freehold in land. He expresses a very decided opinion that, not only are the *gross* products of any given number of acres, held and cultivated by small and peasant proprietors, greater than the gross products of an equal number of acres, held by a few great proprietors and cultivated by tenant farmers, but that the *net* products of the former, after deducting all the expenses of cultivation, are also greater than the *net* products of the latter. . . . He mentions one fact which

seems to prove that the fertility of the land in countries where the properties are small must be rapidly increasing. He says that the price of land which is divided into small properties in the Prussian Rhine provinces is much higher, and has been rising much more rapidly, than the price of land on the great estates. He and Professor Rau both say that this rise in the price of small estates would have ruined the more recent purchasers, unless the productiveness of small estates had increased, at least in the same proportion. And as the small proprietors have been becoming gradually more and more prosperous . . . he argues . . . that this would seem to show that not only the gross profits of the small estates, but the net profits also, have been gradually increasing, and that the net profits of land, when farmed by small proprietors, are greater than the net profits per acre of land when farmed by a great proprietor. . . . Albrecht Thaer, another celebrated German writer on the different systems of agriculture, in one of his later works, 'Principles of Rational Agriculture,' expresses his decided conviction that the net produce of land is greater when farmed by small proprietors or their tenants. . . . This opinion of Thaer is the more remarkable, as during the early part of his life he was very strongly in favor of the English systems of great estates and great farms."*

What inference are we to draw from this mass of authority, speaking, as it does, from ocular demonstration, positive information, and long experience? Why, that the land-system embracing security of tenure, either by fee or freehold in perpetuity, moderate farms, minute cultivation, and reasonable rents, is that which Nature intended for man, and to which, accordingly, man is now universally tending.

* Quoted by Mill, *ibid.*, c. vii.

CHAPTER IV.

BELGIUM AND THE NETHERLANDS.

IF we pass from Prussia to Belgium, we find a rural prosperity and independence not less striking than in the larger state. *Fixity of tenure* and small farms of from five to ten acres form the rule; and we have it on the authority of the *Encyclopedia Britannica* that "no country in Europe provides from its soil so great a quantity of sustenance, not only for its inhabitants, but so large a surplus of food for exportation, and such valuable commodities to exchange for articles of foreign growth, as Flanders."* Yet the same authority assures us that—"the land of Flanders was not naturally fertile. On the contrary . . . where cultivation has not been extended, the soil produces nothing but heath and fir."† Still it is for its area the most densely inhabited country on the globe, though, from its unhealthiness, it has been called by Professor M'Culloch, "the graveyard of Europe." How reconcile these apparently contradictory phenomena—a sterile soil, an insalubrious climate, a flourishing agriculture, and a teeming population? The Abbé Mann solves the question in a few words. "The original soil," says he, "was pure sand, and its present state of fertility is owing to the great number of its industrious inhabitants, *who cultivate* a few acres round their dwellings, of *which, for the most part, they are proprietors.*"‡

* Quoted by Sadleir, "Ireland and its Evils," &c., p. 117.

† *Ibid.*

‡ Communications to the Board of Agriculture, vol. i. p. 238. *Apud* Sadleir, p. 121.

There, then, is the secret. Set a few grinding, heartless, alien, despot landlords over these "industrious" Flemings, reduce their condition to that wretched state of dependency—tenancy at will—of the rack-rented Irish peasant, and then see how soon the land reasserts its nature, and reverts to its state of original barrenness.

Mr. Sadleir also quotes Baron Poederle as "attributing the great fertility of this cultivated district to its vast population." And he adds himself: "I must further remark that this system of minute cultivation is not the result of accident, as is often alleged in reference to Ireland, but of deliberate preference and choice. It has been the principle of Belgic legislation to encourage it. *The government*, which has so much at heart all the minutest interests of agriculture,* has 'passed ordinances in some provinces for restraining the extent of farms, and prescribing a division of those of too great extent.'† 'The major part of the farms in ten districts of Waes, which comprehends an extensive tract of Flanders, consist only of six or seven *boniers*, and many only of three or four.‡ And Abbé Mann tells us 'the bonier may be reckoned three English acres.' 'The farms,' he says, 'being so small, few horses are kept in the land of Waes; the ground is chiefly worked with the spade and hoe. All these contribute together to give a richness and fertility to the soil of this tract which surpasses almost what can be imagined. *No spot lies uncultivated*. Fallow ground is unknown.'§

Mr. Radcliff is equally eulogistic of this Flemish agriculture, which he pronounces as "of merited celebrity, obviously beautiful to the eye in the garden-like appearance of its cultivation."|| And as a consequence of this

* Radcliff's "Report on Agriculture of Flanders," p. 66.

† *Ibid.*, and Abbé Mann commun., *ibid.*

‡ Baron Poederle communications, *ibid.*

§ *Ibid.*

|| *Ibid.*

minute and careful cultivation, the population is no less numerous than comfortable. "There are," says he, "461,659 souls upon 302,235 hectares, which are equal to 746,251 English acres, being about five souls to eight English acres. But the population is much more dense in other districts—in that of Bruges alone at the rate of three souls to four acres, and in that of Courtenay, of one to an English acre." And he adds, "*Notwithstanding this, one-third of the produce of the land is annually exported.*" In Ireland we have to-day only five millions and a-half to 20,808,271 acres, or almost only one to every four acres, though, in the words of Mr. Sadleir, "probably the richest soil of any country in the world."*

Mr. Moreau de Jormest† gives the following statistical table, illustrative of this important fact, and showing the comparative productiveness of England, Scotland, and Ireland :—

	England.	Scotland.	Ireland.
Wheat,	18	16	20
Rye,	10	12	32
Barley,	21	12	21
Oats,	16	16	16

But long before was the same testimony of Ireland's fertility furnished at even hostile hands. Sir John Davis often recurred to the theme; and Spenser could not refrain from the following acknowledgment: "For sure it is a most beautiful and sweet country as *any under heaven*, being stored throughout with many goodly rivers, replenished with all sorts of fish most abundantly, sprinkled

* "Ireland and its Evils."

† "Statistique de la Grand Bretagne."—Quoted by Sir Robert Kane in his "Industrial Resources of Ireland."

with many sweet is lands, and goodly lakes, like little inland seas, that will carry *our* (*sic*) ships upon their waters so commodiously, as, if some princes in the world had them they would soon hope to be lords of all the seas, and, ere long, of all the world; also full of very good ports and havens, opening upon England, as inviting us to come to them to see what excellent commodities that country can afford; besides the soil itself most fertile, fit to yield all kinds of fruit that may be committed thereto; and, lastly, the heavens most mild and temperate."* Yet at the time these very words were written, the Irish race was, as it is to-day, starving in its fertile native land, and that from the operation of the very cause that engenders poverty and its natural daughter, crime, to-day—imperial and territorial oppression.

Passing by the former, of which the unworthy author of the "Faery Queen" was himself, to the disgrace of his otherwise famous memory, a most zealous apostle, he supplies us with an idea of the latter, in the following sketch:—"There is one general inconvenience which reigneth almost throughout Ireland; that is, the lords of lands and freeholders do not let out their land in farm, or for term of years to their tenants, but only from year to year, and some during pleasure." And, to show how the landlords of the present day "shame not their sires," let us quote the objection of *Eudoxius*, a supposed proprietor, who asks: "But what evil cometh hereby to the commonwealth, or what reason is it that any landlord should not set, nor any tenant take his land as he listeth?" *Ireneus*: "Many the evils that come hereby are great, for by this means both the landlord thinketh that he hath his tenant more at command, &c. . . . and this inconvenience may be reason enough to ground any ordinance

* "State of Ireland," p. 484. Routledge, London, 1844.

for the good of the commonwealth, against the private behoof or will of any landlord that shall refuse to grant any such terms or estate unto his tenant as may tend to the good of the whole realm." A patent truism, acted on almost everywhere else, except within the four corners of the British isles. But we anticipate.

Reverting to the agricultural condition of the Netherlands, Baron Poederloe informs us that "the increase of population, since the peace of 1749, has greatly diminished the size of farms, as well in Hainault, as elsewhere. The proprietors, in dividing their estates, have almost doubled their value, and Brabant has no occasion for ordinances to that effect. The states of the province, however, petitioned that the size of farms should be settled!!!"* How daring of these states! Fancy the people of Mayo, of Connaught, of all the four provinces of Ireland, thus presuming to "dictate" to the "master" how he was to apportion out his estate! thus questioning his golden maxim, that "a man may do what he likes with his own!"

In this same Brabant "there is hardly any such thing as tenants, each farmer is a proprietor."† "In the Pays de Waes they cultivate a few acres round their dwellings, of which they are, for the most part, the proprietors."‡ "Many there are," says Young, "who own the land they occupy. An incredible spirit of industry is manifested. Whoever is able purchases a nook where he can, where *sua regna videns miratur*, and falls in love with independence." Yet this minuteness of territorial property is not so productive of "surplus" population as Malthusian misanthropes would apprehend; for, "considering the population of Flanders, the army receives

* Communications, &c., quoted by Sadleir, p. 124.

† Abbé Mann, *Ibid.*

‡ *Ibid.*

from it very few mercenaries. Even the servantry, in most Flemish towns, is drawn from other countries. Yet, "so great is everywhere the plenty, that, after what is necessary for home consumption, you can scarcely name an article that is not exported, even raw flax, though linens here are the principal manufacture."* "In Flanders," writes Mr. Radcliff, "the gentlemen are all farmers, but the farmers don't aspire to be gentlemen, and their servants feel the benefit. . . . Each day laborer has, in most cases, a small quantity of land, from a rood to half an acre, for his own cultivation. . . . If the laborer is comfortable in point of apparel, the farmer is still more so. . . . The Flemish farmer seldom amasses riches, but is rarely afflicted with poverty, . . . has always something to command beyond his regular disbursements."† I know of estates in the county of Mayo, where the subletting of a perch to a day laborer entailed inevitable eviction. The wretched human form in rags must try and make that daily 10*d.* or 1*s.* go as far as it can on himself, his wife, and his children. No wonder, then, that a Dublin gentleman, who lately called on me to obtain evidence in the famous case, "*M'Culloch v. Knox*" of the *Irish Times*, declared he never witnessed such misery as appeared in the features and habiliments of the people.

To proceed: Mr. Joseph Kay, who had been deputed by the University of Cambridge to visit all Europe, and examine, and authentically report upon the social condition of the several classes of society in each country of the continent, and who paid special attention to the subject of agriculture and tenure of land, summarizes his conclusions as follows:—"Wheresoever the ancient

* "*Annals of Agriculture*," v. i., p. 227-280.

† "*Report on the Agriculture of Flanders*," quoted by Sadleir, p. 127.

feudal laws had ceased to rule real property, and to exclude the masses of the rural class from the direct possession of the soil, there, especially where the peasant is personally, and on his own account, interested in developing by labor the resources of the land, agriculture is flourishing, and the laboring classes are commodiously lodged, clad, and fed—a state of things resulting in the progress of well-being, riches, instruction, and morality for the entire country.”*

And this was no hasty conclusion, drawn from the observations of an autumn excursion, or the hasty perusal of some reviews, but from personal inspection, and after a tour of eight years through Great Britain and Ireland, Prussia, Saxony, Wurtemberg, Bavaria, Hanover, Oldenberg, Austria, France, Belgium, and Holland. “I undertook,” said he, “the greater part of these journeys in order to examine the comparative conditions of the peasants and operatives in these several countries, the different modes of legislating for them, and the effects of these different modes of legislation upon their character, habits, and social condition.”† He illustrates the truth at which he had arrived by the contrast presented by the respective conditions of the Bohemian and the Saxon. The one is a beggar, coatless, shoeless, cabin-housed:—“The condition of the cultivator, in the latter, is one of the most prosperous that could be seen.” “And,” he asks, “whence comes this difference?” . . . In Saxony the feudal laws, and especially those of the substitution, have vanished; the peasants are proprietors of the land which they till, and are interested in making it give the greatest possible amount of produce. In Bohemia the land belongs to a few great families, who

* Quoted by Abbé Peraud, “*Etudes sur L’Irlande*,” vol. i., p. 352.

† *Ibid.* t. i., p. 5.

manage it by their agents, and confine themselves to carrying away the revenues, which they spend afterwards at Vienna. "In consequence, the peasants of Bohemia, like those of Ireland, have no interest in the improvement of the soil, because they gather no profit therefrom, they have no hope of becoming its owners, and they know that all the fruits of their industry are expended among strangers."*

Thus, again, does nature, in the moral and physical, in the animate and inanimate, in the brute and in the human world, alike vindicate her law—"LIKE CAUSE, LIKE EFFECT." Give us the same land code in Ireland which they have so long enjoyed in Saxony, and Ireland will become a Saxony in agricultural progress and social comfort. A Bohemia as it is, and so long has been, in its feudal tenure of land, which may be summarized in "large estates, rack-rents, absenteeism, and irresponsible agrarian power," a Bohemia it remains in the present degraded condition of its people. "But," says John Stuart Mill, "the most decisive example, in opposition to the English prejudice against cultivation by peasant proprietors, is the case of Belgium. The soil is originally one of the worst in Europe."† And he then quotes M'Culloch (Geographical Dictionary, Art., Belgium, "Flemish Husbandry," &c.), to sustain his statement: "The provinces," says M'Culloch, "of West and East Flanders and Hainault form a far stretching plain, of which the luxuriant vegetation indicates the indefatigable care and labor bestowed on its cultivation; for the natural soil consists almost wholly of barren sand, and its great fertility is entirely the result of very skilful management, and judicious application of various manures."‡ And the writer of the treatise referred to

* Quoted by Abbé Peraud, "Etudes sur L'Irlande," vol. i., p. 354.

† *Ibid.*, c. vi.

‡ *Ibid.*

on Flemish industry makes the following extraordinary statement: "The cultivation of a poor, light soil, or a moderate soil, is generally superior in Flanders to that of the most improved farms in Great Britain."* And how has this come to pass? Because "much of the most highly cultivated part of the country consists of peasant properties managed by the proprietors, either wholly or partly by spade industry."†

Will our broad-acred Irish proprietors, for their own sakes, as well as for that of their country at large, consent to part not alone with a little of their legal but iniquitous rights, but also with a portion of their land, receiving, of course, a full equivalent? By such a course none could be the losers, all would gain. The proprietor was handed over property equally valuable and secure; the peasant, at length, had an object for which to toil. He thus increased the fertility of his fields, because he could call them his own, and thereby added to the general wealth of the nation.

* Quoted by Abbé Peraud, "Etudes sur L'Irlande," vol. i., p. 254.

† *Ibid.*

and you have the Irish peasant painted under the benignant sway of Victoria I.—an eternal reproach to her advisers, and the greatest scandal of her reign.

A brief review of the causes which produced all the above results may not be uninteresting or un instructive. In fact the causes find a fair parallel in Ireland ; and it would not be amiss of the British and Irish statesmen of the present day to weigh well the lesson which these causes and effects so forcibly teach.

Like the peasantry of Ireland to-day under the operation of "Arms Acts," "Peace Proclamation Acts," &c., those of France, up to the reign of Charles VI., were forbidden the use of arms, and up to the period of the Revolution kept in a state of practical servitude. In fact, France could boast of no yeomanry like England, and like England when, by clearances and depopulation, she lost her yeomanry—a loss so feelingly deplored by her wisest statesmen and purest patriots—France paid the penalty in defeat and disaster.

"Before the time of Charles VI.," writes Alison, "the jealousy of the nobles had never allowed the peasants to be instructed in the use of arms; in consequence of which they had no archers or disciplined infantry to oppose to their enemies, and were obliged to seek in the mountains of Genoa for cross-bowmen to withstand the terrible yeomanry of England. The defeats of Cressy and Poitiers, of Morat and Grauson, were the result of this inferiority. Not that the natives of France were inferior in natural bravery to the English or the Swiss ; but that their armies, being composed entirely of military tenants, had no force to oppose to the steady and disciplined and experienced infantry which, in every age, has formed the peculiar strength of a free people. Warned by these disasters, the French government, by an ordinance of 1394, ordered the peasantry throughout the whole

country to be instructed in the use of the bow, and the pernicious practice of games of hazard to be exchanged for matches at archery. They made rapid progress in the new exercises, and would soon have rivalled the English bowmen; but the jealousy of the nobles took the alarm at the increasing energy of the lower orders. Martial exercises were prohibited, games of hazard re-established, and the people lost their courage from want of confidence in themselves, and the defeat of Agincourt was the consequence.* One cannot fail to be struck with the extraordinary similarity between the spirit of this *effete ancienne noblesse* of France, and that of the Cromwellian and Williamite lords of Ireland of the present day. Both regarded the masses of the people as not alone an inferior caste, but almost a different species of human beings. While the former denied to their feudal serfs the first elements of freedom, they multiplied their own monopolies, privileges, and immunities to an extent entirely incompatible with the safety of the state. It is just so with the Irish landlords of to-day. A much longer retention of their unnatural power cannot but end, as in France, in deplorable convulsions and their own ruin. Of this difference of caste, the same writer remarks:—"The consequence was a complete separation of the higher and lower orders, and the establishment of a line of demarcation which neither talent, enterprise, nor success was able to pass." "It is a terrible thing," says Pascal, "to reflect on the effect of rank: it gives the child new-born a degree of consideration, which half a century of labor and virtue could not procure!" "Of all the circumstances in the early history of France, there was none which had a more powerful effect than this in determining the character of the revolution. It un-

* Hist. of Europe, v. i., p. 81, quoting Sismundi, Hist. de France.

avoidably created a privileged class at variance with, and an object of jealousy to, the whole remainder of the community. What was still more fatal, it deprived this class, when the contest commenced, of all sympathy or support, save in a peculiar district, from the rest of the community. But the influence of despotism in modern times cannot permanently extinguish the light of reason. The press has provided in the end an antidote to the worst species of government, except, perhaps, that which arises from its own abuse; its influence on every other oppression may be slow, but it is progressive, and ultimately irresistible. In vain the monarchs of France studiously degraded the lower orders; in vain they veiled the corruption of despotism beneath the splendor of military glory; in vain they encouraged science and rewarded art, and sought to turn the flood of genius into the narrow channels of regulated ambition; the vigor of thought outstripped the fetters of power; the energy of civilisation broke the bonds of slavery. The middle ranks, in progress of time, awoke to a consciousness of their importance; the restrictions of feudal manners, revolting to men enlightened by the progress of knowledge; the chains of ancient servitude, insupportable to those who felt the rising ambition of freedom. Not the embarrassments of the finances; not the corruption of the court; not the sufferings of the peasantry brought about the convulsion of the nineteenth century, for they are to be found matched in countries disturbed by no convulsions; but **THE HATEFUL PRIDE OF THE ARISTOCRACY, BASED ON CENTURIES OF EXCLUSIVE POWER, AND GALLING TO AN AGE OF ASCENDING AMBITION.**"*

Not a syllable of the above that does not apply to Ire-

* Hist. of Europe, v. i., p. 83, quoting Simundi, Hist. de France.

land at this hour. Full four score years behind France in "the progress of knowledge," it is only in 1869 that Ireland means, in earnest, to accomplish, one way or other, that liberation of the soil from the trammels of privileged feudalism which the men of 1789 accomplished in France. Will our Cromwellian landlords take a lesson from the experience of that terrible epoch? The outraged manhood of France would have received with gratitude, as a concession, half what they wrested from monopoly without thanks. The present movement throughout Ireland pretty clearly shows that here, too, "the influence of despotism has not permanently extinguished the light of reason" in her soul. The Irish people know their reasonable rights, and they are quite resolved, as they are strictly bound, never to cease in their struggle until victory is achieved.

The views above enunciated by the great European historian are confirmed by the illustrious French writer and statesman, Thiers, in the following language: "Numerous and serious as the grievances of the French nation were, it was not they that occasioned the revolution. Neither the taxes, nor the *lettres de cachet*, nor the other abuses of authority, nor the vexations of the *prefects*, nor the ruinous delays of justice, have irritated the nation; it is the *prestige* of nobility which has excited all the ferment. . . . In fact, it is an extraordinary circumstance that the nation should say to a child possessed of parchment: 'You shall one day be, either a prelate, a marshal, or an ambassador, as you choose,' while it has nothing to offer to its other children."*

Reverting to the same subject, the famous author of the "History of Europe" says: "Insult is more keenly felt than injury. The pride of nobility is more difficult

* Quoted by Alison, *ibid.*, p. 162.

to tolerate than all the exclusive advantages of its order. . . . The distinction of nobility and base-born was carried to a length in France, of which it is difficult, in this free country, to form a conception. Every person was either noble or *roturier*; no middle class, no shades of distinction were known. On the one side were a hundred and fifty thousand privileged individuals; on the other the whole body of the French people. . . . The industrious classes, the men of talent, the men of wealth, were unanimous in their hatred of the nobility; the universal cry was for liberty and EQUALITY, a cry almost unknown during the English rebellion. . . . The insurrection was less against the throne than against the nobility—against the oppressive weight of feudal tyranny, inconsistent with the spirit of the age, and bequeathed by the power of barbarian conquest.”* How descriptive of the state of feeling that prevails at this moment in Ireland! Change names, put Ireland for France, landlord for nobility, 8,000 for 150,000, and the Irish people for the French nation, and the description of the Ireland of 1869 is perfect.

The cup, however, had overflowed: the revolution with, it must be admitted, all its horrors, broke like a thunderstorm over France. Its fiercest force fell first on the proud *noblesse*, who, as a body, would not, up to the last moment, yield an inch. They fled before it, and emigrated *en masse*. As in England, over three hundred years ago, so in France in 1789, the peasants rose throughout many of the provinces, and burned, and pillaged, and butchered, without mercy or scruple, all before them. The alarm caught the National Assembly, which, on the motion of a noble himself, the Viscount de Noailles, abolished the feudal exemption of his order from taxes, which henceforth

* *Ibid.* p. 163.

were to fall equally on all classes, while feudal personal servitude was to cease for ever. In the space of a few hours the entire fabric of feudal sway had crumbled to the earth. But the legal demolition came, unfortunately, too late ; its practical and real destruction had already preceded it throughout the greater part of France. "There is no one," says the Duke d'Aguillon, at the sitting of that memorable 4th of August, 1789, "who must not groan over the scenes of horror which France at this moment exhibits. The effervescence of the people who have conquered freedom, when guilty ministers thought to ravish it from them, has now become an obstacle to freedom, at a time when the views of government are again in harmony with the wishes of the nation. It is not merely the brigands who, with arms in their hands, wish to enrich themselves in the midst of public calamities. In many provinces the entire mass of the peasantry have formed themselves into a league to destroy the chateaus, ravage the lands, and, above all, get possession of the charter-chests where the feudal titles are deposited. They seek to shake off a yoke which, for centuries, has weighed upon them, and we must admit that—though that insurrection is culpable (what violent aggression is not so?—we may add, of Irish land-tyrants? yet it finds much excuse in the vexations which had produced it. The proprietors of fiefs or of seignorial rights, it is true, have seldom themselves perpetrated the injustice of which their vassals complain, but their stewards and agents have done so, and the unhappy laborer, subjected to the barbarous yoke of feudal laws, which still subsist in France, groans under the constraint of which he is the victim." Again change names, and the Irish peasant, tenant-at-will, the Irish agent, steward, and landlord, are the subject of observation, of alternate *pity* and censure. He proceeds almost in the tone of

some well-meaning, but prejudice-blinded Irish landlords of this day: "These rights, it must be admitted, are property, and all property is sacred; but they are burdensome to the people, and all are agreed as to the continual vexations which they produce. In this enlightened age, when a sound philosophy has resumed its empire; at this fortunate moment, when, united for the public good, and free from all personal interest, we are called upon to labor for the regeneration of the state; it appears to me that, before proceeding to the construction of a constitution, so ardently desired by the nation, we should prove to all the citizens that our wish is even to anticipate their desires, and to establish as quickly as possible that equality of rights which should ever prevail among men, and can alone secure their liberty. I doubt not but the proprietors of fiefs, the lords of estates, will be the first to agree to the renunciation of their rights on reasonable indemnity. They have already renounced their pecuniary exemptions; we cannot expect them to renounce gratuitously their feudal rights—but we may expect them to consent to the purchase of their seignorial rights by their vassals, at a price to be fixed on a moderate scale by the Assembly."*

No utterances, with one or two exceptions, more appropriate to the case of Ireland, could proceed from the lips of Mr. Gladstone to-day. Will the Irish landlords of this hour, before it is too late, "be the first to agree to a renunciation of their rights on reasonable indemnity," as the French "proprietors of fiefs and lords of estates" were when time for renunciation had flown? Will they take warning from example? They are not one whit more secure in the retention of their feudality now than the French *noblesse* fancied themselves eighty years ago.

* Hist. Par. ii., 225-227.

Timely concession may avert the terrible fate which feudal obstinacy ultimately entailed on the unhappy *Seigneurs*. By successive decrees the following confiscations took place, as the result of this demented retention of unrighteous "rights":—

From May 17th 1790, to Jan. 18th, 1795, the sales of the national do- mains, chiefly Church	Francs.	£
property, brought :	1,500,000,000	= 60,000,000
From Jan. 18th, 1795, to Sept. 20th, 1795,	601,000,000	= 24,000,000
From Sept. 20th, 1795, to Nov. 25th, 1795,	316,464,000	= 12,750,000
From Nov. 25th, 1795, to June 30th, 1801, -	127,231,000	= 5,800,000
Total, - -	2,555,133,000	= 103,050,000*

And as, manifestly, this enormous amount of money was hardly half the real value of the land, sold under such uncertain circumstances, we may fairly estimate the immense quantity of land that thus violently changed hands. Add to this 700,000,000 frs., or £28,000,000, more worth, which remained unsold, and which was partially restored by Napoleon, and we may realize to ourselves the incalculable loss to the nobility of not listening in time to the warning voice. No doubt, during the ordeal, the trial to France herself had been very severe. But she has tided over it, and, as the above authorities—that of Monsieur Passy, the Duke of Gaeta, and Abbé Peraud—attest, France has consolidated her

* *Compte rendu de Hamel, "Statist. de France."*

power and trebled her resources by the extinction of a feudal tenure of land, and the substitution of minute ownership and cultivation.

The following authority for the present hour may not be uninteresting to the future reader. The *Irish Times* special correspondent thus writes :—

“Before crossing the frontier, I am anxious to give the result of my inquiry as to the progress of agriculture generally in France.

“I had fully satisfied my mind of the immense advancement of the farming of this country, not only from the comparative returns, which I carefully perused, but also from my own observance, and minute and careful inquiry from old and intelligent people. What, then, was my surprise, on casually taking up an English paper a few days ago, to read the deplorable account given by the Earl of Carnarvon of the hopeless position of the small proprietors of France! Have I been dreaming, or have my eyes and ears been deceived?

“It is true that time and the limits of your paper obliged me to concentrate my attention on a few districts, and that I have not penetrated to the extremities of this great empire on all sides. So general a visitation would take me months, if not years. But there is scarcely one of the eighty-nine departments from which I have not had letters from intelligent and experienced men, and these reports and returns, from which Lord Carnarvon says he derives his facts, have also been put at my disposal by the Minister of Agriculture. In vain do I wade through them in search of these gloomy predictions of the future, founded on past experience, to which this clever English statesman refers.

“Of course, in abstracting a word or a figure here and there, or in quoting an opinion given by an occasional grumbler in course of the government inquiries, a case

may be made. But from a man of ability, of research, and of heart, like my Lord Carnarvon, I could scarcely expect a *nisi prius* narrowness and dexterity such as this. I can only believe that his lordship, like a vast number of less enlightened Englishmen, has made up his mind that small proprietorship has resolved into practice the gloomy theories propounded concerning it for several years past by our countrymen, and that he has heard from others, but not read for himself, that some of the French government reports speak a little despondingly of the continued *amorcellements* of the farmers, and of the increased mortgages bearing on the farmers.

“Let his lordship look at home, and he will find an infinitely more gloomy prospect for his own country, in the constant agglomeration of estates into few hands; nor will he find, on inquiry, that the lands of England are also quite free from mortgage and family settlement incumbrances.

“For my part, seeing with my eyes, hearing with my ears, wading through incontrovertible figures, I have come to the conclusion that the French system of peasant proprietorship has enormously extended the cultivation of the soil and the wealth of the country; that it has produced a happy and socially free people; that it has intensified the patriotism of the population, while counteracting the wild desire for change and reckless theories of the men of the towns; and that it only needs a modification of the law of inheritance to prevent too excessive subdivision of the land, and a greater facility of capital, to increase to a still more remarkable degree the products of the soil.

“Agricultural France moves on no downward decline. On the contrary, if the cities cause no sudden political shock, these free and independent men who till the soil they own will, in due time, make France a garden of

amazing produce. Our fathers were taught to believe that every Frenchman was a frog-eater, and it was as difficult to root the absurd idea from their minds, as it is now to persuade even thinking men in England and Ireland that France is not on the high road to ruin from a sub-divided soil. The younger prejudice is as contrary to fact as the elder. But you must rather take hard figures than my words, at the same time recollecting that the returns of the last decennial period only come down (with a few exceptions) to 1862, and were only finally compiled last year. The subsequent return, I am informed, will be still more favorable.

“From 1851 to 1861 there was an increase of land rated as of first quality of 4,095 hectares. Very little of the land of France comes under the denomination of prime quality, and the increase will be accounted for by petting and high manuring of good land previously run out. Tillage lands have increased by 310,691 hectares in the same decennial period. This was not by breaking up of grass lands, but by reclamation—certain wastes in various parts having been reclaimed to the amount of 371,116 hectares in the ten years. Thus the people who, forsooth, are going so fast to ruin, have brought within cultivation by their sturdy arms, within so short a period, nearly a million acres of land! The meadows and grass lands of France from 1851 to 1861 were increased by 3,847 hectares. The vineyards in that period extended their creeping culture on the hill sides, to the increased amount of 111,692 hectares.

“If the country is being ruined by small farming, according to the authority of Lord Carnarvon, of course the net annual rural value of the soil is diminishing. But I find the amount which in 1821 was 1,580,597,000 francs, had risen in 1862 to 2,643,365,716 francs, or an increase of 1,062,768,716 francs. The increase alone,

under this so-called depressing system of sub-division, is equal to more than three times the annual income of Ireland rated to the poor ! But, probably, Lord Carnarvon will suppose that these wretched small farmers he holds in such contempt, and of whom he fears so much to see the counterpart in Ireland, are falling off to a culture of potatoes, and are unable to grow a cereal crop of any value. There is no deterioration, at all events, if I am to believe the imperial returns.

“In 1840—I class all the corn crops as cereals for brevity, but wheat has made the principal progress—in 1840 the value of the cereal crop was 2,116,000,000 of francs. In 1852 it rose to 2,614,000,000 of francs. This seems a respectable figure, but I find these ruined farmers of my Lord Carnarvon brought it still higher in 1862, when the crop was estimated at 3,865,000,000 of francs, being an increase of 23·49 per cent. between 1840 and 1852, and of 48·23 per cent. from 1852 to 1862.

“Pray let those gentlemen who sit at home at ease and persuade themselves that French agriculture, in the absence of interfering landlords and self-sufficient English agents, is going to the dogs, note the fact that the value of cereals from 1840 to 1852 increased no less than 82·70 per cent. This will be accounted for by some increased price. But, really, wheat has not greatly varied in value since the great French Revolution. Neither is the increase owing to extended superficies of planting. That progress was only 7 per cent. in the period. It was the more cheering and hopeful effect of improved cultivation.

“In the figures I have just quoted I have given you but the value of the grain alone. The straw increased in value in the decennial period from 1852 to 1862 by the respectable figure of 67·91 per cent. I am quite ready to agree to what Lord Carnarvon may sneer at, as the minor amount of produce a French hectare is made to

yield in comparison with an English one. I believe an average acre of English wheat is more than double that of a French. The French will come up to it by-and-by.

My argument is much confined to the proof that agriculture here, by reason of the tenure in perpetuity and sub-division of the soil, is not retrograding, but is advancing with giant strides. In 1852 the value, I admit, of a hectare of grain in France was only 209 francs. But that increased in the next ten years to 312 francs. Lord Carnarvon says the French Commissioners of Inquiry are desponding. Probably you would permit me to quote one of the most desponding sentences of the report now before me—'*De tous les renseignements qui precedent il resulte que la culture de cereales est en voie de progres.*' 'The result of all the preceding information is that cereal culture is in a progressive state.' I should think so.

"I now ask you to accept a few returns of what are classed as 'alimentary farinaceous products,' and amongst which you may be surprised to learn that chestnuts form no inconsiderable part.

"But, leaving some one else to draw the chestnuts out of the fire, I confine myself to the more homely product of potatoes. In 1840, on a superficies of 921,970 hectares of this crop, the production amounted to 96,234,935 hectolitres, the value of which was 202,106,866 francs. When we come to 1862, we find an increase to this already respectable value of eight million pounds sterling, of 48 per cent. in quantity, and 141 per cent. in value. The increase was not in deterioration of the French farmer's diet. It rather went to feed my Lord Carnarvon's countrymen, for 45,000 tons of potatoes are now annually exported from this country. Let us now look at the comparative returns of the great French ameliorative crop, beet-root, and let us note whether

the small farm system of peasant proprietors is exhausting the soil of France. Of this root, the value of the crop in 1840 was 28,973,449 francs. In 1852, it was 57,069,498 francs, and at the last return, in 1862, the value had risen to 84,178,187 francs. I find that the superficies planted with this valuable root increased 93·32 per cent. from 1840 to 1852 ; and 22·58 per cent. from the latter year to 1862. The amount of produce in the same article in 1840 was 15,740,691 metric quintals ; increased in 1852 to 32,248,846 metric quintals, and extending in 1862 to the quantity of 44,267,585 quintals, being a total increase since 1840 of 182·21 per cent. In this article of culture, as well as in all others in France, the product has been increasing in an infinitely greater proportion than the superficies planted, a fact which is the best and healthiest sign of farming, for such improvement of bulk of production comes from advancing skill and increased capital.

“ The colza plant is greatly cultivated for the extraction of oil. We shall see if it be in this crop that France is getting into that ruinous state that the Earl of Carnarvon describes. I find by the returns—it is unnecessary to go into minute particulars—that the value of the crop has increased 75·63 per cent. since 1840, while, in the same period, the produce of the hemp crop has increased 41·89 per cent., and that of flax, 35·80. The average quantity of these articles, except hemp, grown per hectare, has considerably advanced.

“ As to tobacco, to which I have before referred, the superficies under crop has increased from 1840 from 79·53 hectares to 17·689 hectares, and the product per hectare from 11·17 to 14·25 metric quintals. The value of the crop per hectare has risen from 683 to 1,213 francs. The growth of hops has also considerably increased. The return from natural meadows has risen 25 per cent.

since 1840, being caused by greater attention to irrigation and surface manure. The value of artificial meadows has increased 13 per cent. All forage crops (turnips included) have greatly increased in superficies devoted to them, in the average amount of produce per hectare, and in the total cash value.

“I have in a former letter referred to the enormous increase in vineyard value. Taking all crops together, their total value in 1840 was estimated at 3,627,000,000 of francs; in 1852, at 4,502,000,000 of francs. But at the last return the estimate given reached the enormous value of 7,664,000,000 of francs—an astounding fact for the clever English nobleman who believes a country can alone flourish in large farms, and that peasant proprietorship has doomed to ruin the agriculture of France. But for my argument—or rather in the cause of strict, unprejudiced truth—it may be desirable to come at the acreable, or per hectare value of the crops raised then at the aggregate. In 1840 we find the average value of production of a hectare to have been 154 francs. In the next decennial period to 1852 the average went up to 177 francs, and in the last period it reached the still higher figures of 277 francs. Improved prices of some articles, it is true, may account for this cheering result, but it rather, and mainly, is to be attributed to better culture, and consequently larger crops. Possibly, however, this extraordinary prosperity, or at least advancement, may be accounted for by a rush upon the soil, and a rapid gain at the expense of its exhaustion. If this be so, the number of horses and cattle in the country will be small, and will be daily diminishing. Pray, bear with a few figures on this important part of the question. I can bring some of them down to 1866. There are amongst the farmers of France 2,914,412 horses, 330,987 mules, and 397,237 asses. Their cattle

sheds and fields contain over twelve millions of black cattle ; in precision the number is 12,811,589 head. The number of 6,037,543 pigs grunt in the styes. Of the ovine race 29,529,678 (nearly thirty millions) of sheep crop the close herbage or fatten on the distillery refuse. The mountain districts have their valuable goats—1,726,398 of the caprine race are numbered in France. The total head of farm beasts in France is 53,746,844 ; and if we go into detail of more minute living creatures of value on the farms, we find that fowls of all kinds number 60,145,290, and the hives of bees to be 2,426,578. In making comparative inquiry as to the wealth of the country in horses, flocks, and herds, as between 1852 and 1862, I find of the horse species the increase has been 17 per cent. in the ten years. In mules it has been 11·46 per cent., and in asses 4·8 per cent. The increase in the bovine race from 1840 to 1862 has been 10·25 per cent. in number, but in the quality and value of the animals the improvement has been far greater. In sheep there has been rather a falling off in numbers, a fact not uncommon to France. Here the small decrease might be easily accounted for by the numerous sales, and enclosures, and tillage of commons, where before there was a general right of depasturage, and also by the disuse of fallows. The improved herd of sheep has increased 18·5 per cent. in the decennial period. The increase in the number of pigs has been 22·17 per cent. since 1840. The weight of animals killed for butchery, as ascertained in the principal *abattoirs* of centres of consumption, has sensibly increased also. Thus, from 1853 to 1859 the average weight of the ox was 335 kilogrammes ; of the fat cow, 229 ; of the calf, 67 ; and of the sheep, 19 kilogrammes ; while from 1860 to 1866 the respective weight of these animals was 348, 243, 65, and 20 kilogrammes. All have had a considerable increase,

except calves, which have slightly diminished in the average weight of carcass. The total value of lands in France is estimated at nearly one hundred milliards of francs, and the average selling value per hectare is 3,066 francs, which is something near £50 the English acre. The price of land is daily increasing.

“ I have already troubled you with so many figures, that I shall not go into the details of farming implements in France, but the improved kinds are being rapidly extended to use, though from the smallness of the farms large machinery is, of course, less sought than in England. In some departments, however, I noticed that the combination of many small farmers was being formed for the introduction of steam machinery. This will regulate itself in time, according to the abundance or scarcity of laboring hands. From the narrow limits of the holdings, and the fact of ownership, the families themselves work incessantly in developing and improving the farms, and large numbers of outside laborers are not engaged in agriculture. The wages of cities has in late years also been so large that the best workmen migrate from the country districts. Wages are increasing sensibly, if not rapidly, and I know of no country in which the laborer is in a better state. His industry and thrift are constantly excited by the hope that one day he may buy the fee of a little patch of land for himself and family. How the laborer in England or Ireland would be laughed at who dreamed of becoming the lord in fee even of the little plot on which his roof-tree was reared ! The average wages of men employed as agricultural laborers in France is 1 franc 99 centimes—say, one shilling and eightpence a day ; of women, 96 centimes, or ninepence halfpenny ; and of children, 66 centimes, or sixpence halfpenny.

“ Where is all this decadence, this coming ruin of

French agriculture, of which my Lord Carnarvon so self-sufficiently speaks to gaping and credulous English bumpkins? I know that the law of France, in one or two of the articles of the Code Napoleon referring to succession, bears hard on the owners, and leads to a too strictly enforced *morcellement*. I know, too, how the small proprietor, in want of funds for the improvement of his farm's productiveness, is much at the mercy of local usurers and financial intermediaries. I am not ignorant of the wretchedly restricted state of banking accommodation in France, nor of the considerable taxation which a state of things that may be called a Platonic war entails. Further, I see with horror the frequent sufferings of the rustic family, when the strong arm that helps the father to guide the plough has forced into it the hateful musket by the laws of the military proscription. But, taking the farmer of France for all in all, I find he is a credit and an honor to his country and to his race. No landlord, through kind or unkind intention, lingers about his fields and watches the crops he grows, the food he eats. He can marry his daughter and plant his son in his own shoes without fearing the frown of the superintending providence of an Irish farmer—the agent. He knows no man living, if they pay their way, can turn his descendants from the little fields he now labors. He digs in confidence, and when money comes to him from fortune or thrift, he is not afraid to own it, and he buries it in the face of day in the soil which he proudly treads, as his most assured savings bank. With his hands in his pockets on a holiday he is the equal of his fellow beings, and he disdains to call any man lord. Eminently conservative, the smallest farmer sets up his back against aught that threatens disloyalty to the government. And if sometimes the fiery love of mutability of the towns is too much for

him, he watches his opportunity, and gives the next decisive vote in the cause of order. When that voice is uttered in the voting urn, the French peasant proprietor, though secretly voting, is answerable alone to God and to his conscience for what he does. He has not earth and heaven, soul and body, on either side hissing their threats into his terrified ear. Free as the air around him, the ordinary peasant proprietor of France would indignantly cast aside either the priest or the landlord who presumed to dictate how his voice should be given.

“If such is a misfortune, if this be ruin, if peasant proprietorship be beggary, if increasing wealth and prosperity be symptoms of decay, then my Lord Carnarvon is right, and all other countries will carefully avoid the example of France, and will remain as they are, to wallow in filth with their pigs, to whine and cringe at the feet of foreign agents, to live without hope, and to die despairing of their descendants.”

No better service to truth can be effected than the extended reproduction of this most important paper. We therefore leave it to speak for itself, and for the agricultural condition of France at the present moment. Many, indeed, have been the efforts to decry the régime of peasant proprietary in France. Lord Carnarvon's was the very last. Let the *Irish Times* Commissioner's latest report be his answer.

SWITZERLAND.

It is specially Switzerland which should be traversed and studied to judge of the happiness of peasant proprietors.*

In that land of liberty, *par excellence*, the very air of which still circulates balmy of the breath of a Tell and a Hofer,† the comfort of the peasantry is something to gladden one's heart. "The whitewashed cottages," says Alison again, "with their green doors and window-shutters, their smiling gardens and flowering orchards, the well-clad figures of the inhabitants, their frequent herds and flocks, bespeak, in language not to be misunderstood, that general well-being *that can exist only where land has been honestly acquired*, and virtuous habits are generally diffused." And this reminds me of how the land has been "acquired" in Ireland, and the "habits" to which such iniquitous acquisition has given rise. "So dense," pursues he, "is the population in some districts, that in five parishes and two villages on the lake of Zurich there are only 10,400 acres under cultivation of every kind, and 8,498 souls, being scarcely an acre and a quarter to each individual; yet, in no part of the world is such general comfort conspicuous among the people—an example, among the many others which history affords, of the great truth that *it is vice and oppression* which induces a miserable population, and that no danger is to be apprehended from the greatest increase in the numbers of mankind, if they *are justly governed*, and influenced by virtuous habits." I would strongly recommend English statesmen to ponder on these words as applying to Ireland. As "just government" and "vir-

* Sismondi, "Studies in Political Economy," quoted by Mill, b. 2, c. vi.

† The Tyrol, more strictly speaking, for him

tuous habits" generally go hand in hand, so vicious habits are, on the part of the governed, as a rule, inseparable from oppression on the side of authority. The wonder is that, in the case of Ireland, the disproportion between cause and effect has been so much in favor of the victims of misrule.

And coming to speak of Ireland itself, the great philosophic historian sets down, among the many causes of Irish discontent, "the unfortunate circumstance that Ireland was not the seat, like England or Gaul, of the permanent residence of the victorious nation ; that absent proprietors and their necessary attendants, middlemen, arose from the fact of the kingdom having been subjugated by a race of conquerors who were not to make it their resting-place ; and that a different religion was subsequently embraced by the victors from the faith of the vanquished, and the bitterness of religious animosity superadded to the causes of discontent arising from civil distinction."²

Thus, different causes, different effects. In Prussia, Italy, Switzerland, France, the land, created by the Omnipotent for the people, belonged to the people, and therefore the people defend their own to the death. In Ireland it was wrested from its natural owners by the iron hand of invasion and rapine, and has been retained in that hand by the sole power of lead and steel, to the ruin of the entire community, and, therefore, the people hail with ecstasy every sign of change that may rehabilitate them in the secure possession of what was meant for them by the Almighty Sovereign Creator.

Not that we would suggest another "confiscation." Far from us be the thought. We have had plenty and too much of that already in Ireland ; but that, no matter how brought about, such a sweeping revolution must be

effected in the land tenure of Ireland as will for ever dissipate the agrarian illusion reigning in high places, that the land was created for, and therefore belongs to, the foreign few, to the exclusion of the native many, and that these "foreign few" "can do what they like with their own."

Speaking of Zurich, Mr. Kay gives us the following information: "The state itself held vast estates in the canton of Zurich, which it parcelled out *in small allotments* among the peasants, and with the following results. Very often a third or a fourth of the land produces at present as much corn as supports as many heads of cattle as the whole estate formerly did."*

What is true of Zurich is no less so of every country under similar management.

Of the same Zurich, H. D. Inglis thus writes:—

"In walking anywhere in the neighborhood of Zurich," says he, "in looking to the right or to the left, one is struck with the extraordinary industry of the inhabitants, and if we learn that a proprietor here has a return of ten per cent., we are inclined to say 'he deserves it.' I speak at present of country labor, though I believe in every kind of trade, also, the people of Zurich are remarkable for their assiduity; but in the industry they show in the cultivation of their land I may safely say they are unrivalled. . . . It is impossible to look at a field, a garden, a hedging, scarcely even a tree, a flower, or a vegetable, without perceiving proofs of the extreme care and industry that are bestowed on the cultivation of the soil."†

What a contrast the state of things, revealed in the

* Kay, *ibid.*, quoting M. de Knonan and M. Pupi Kofer, *Gemalde der Schweiz*, c. v. Peraud, p. 355.

† "Switzerland, the South of France, and the Pyrenees in 1830," quoted by Mill, *ibid.*

following sentences, presents to that of unhappy Ireland with its millions of "waste" acres of land: "The country is incapable of greater cultivation than it has received. All has been done for it that industry and extreme love of gain can devise. There is not a foot of waste land in the Engadine, the lowest part of which is not much lower than the top of Snowdon. Wherever grass will grow, there it is; wherever a rock will bear a blade, verdure is seen on it; wherever an ear of rye will ripen, there it is to be found."*

"It is," says Sismondi, "from Switzerland we learn that agriculture, practised by the very persons who enjoy its fruits, suffices to procure great comfort for a very numerous population; a great independence of character, arising from independence of position; a great commerce of consumption, the result of the easy circumstances of all the inhabitants, even in a country whose climate is rude, whose soil is but moderately fertile, and where late frosts and inconstancy of seasons often blight the hopes of the cultivator." And, after giving a glowing description of the comfort that reigns both within and without, he winds up with saying: "Let other nations boast of their opulence, Switzerland may always point with pride to her peasants." And he gives the reason: "The peasant proprietor," says he, "is, of all cultivators, the one who gets most from the soil; for he is the one who thinks most of the future, and who has been most instructed by experience. He is also the one who employs the human powers to most advantage, because, dividing his occupations among all the members of his family, he reserves some for every day in the year, so that nobody is ever out of work. Of all cultivators he is the happiest; and, at the same time, the land nowhere occupies and

* *Ibid.*

feeds amply, without becoming exhausted, so many inhabitants as where they are proprietors. Finally, of all the cultivators, the peasant proprietor is the one who gives most encouragement to commerce and manufactures, because he is the richest.”*

Elsewhere he thus illustrates “the magic of property :” “When we traverse nearly the whole of Switzerland, and several provinces of France, Italy, and Germany, we need never ask, in looking at any piece of land, if it belongs to a peasant proprietor or to a farmer. The intelligent care, the enjoyments provided for the laborer, the adornment which the country has received at his hands, are clear indications of the former.” Yet, how the blessings resulting from such tenure may be thwarted by misgovernment, he shows as follows :—

“It is true an oppressive government may destroy the comfort and brutify the intelligence which should be the result of property ; taxation may abstract the best produce of the fields ; the insolence of government officers may disturb the security of the peasant ; the impossibility of obtaining justice against a powerful neighbor may sow discouragement in his mind, and, in the fine country which has been given back to the King of Sardinia, the proprietor, equally with the day laborer, wears the livery of indigence.”† For “given back to the administration of the King of Sardinia,” let us substitute “seized by the King of England,” and fancy all the other withering obstructions above enumerated, together with total insecurity of tenure—no peasant proprietary at all—and Ireland is mapped before us.

Again and again, how long is this plague of ages to endure !—the baneful result of long misgovernment. Will good government step in with its remedy at last ?

* *Ibid.*

† “Principles of Polit. Econ.,” b. iii. c. 3, quoted by Mill.

"This state of things," says Mr. Binn, "so truly deplorable, is exclusively referable to the systematic course of partiality, oppression, and cruelty with which her people have been treated through successive centuries. And, if it were not my object to represent the injuries which have been done, rather than dwell on the prospect of good things to come, I might, by referring to authentic sources of information, draw a series of terrific pictures of persecution, intolerance, and desolation, to which it would be *difficult, perhaps impossible, to find parallels* in the history of any nation not absolutely barbarous. It becomes us, *who are, in some degree, responsible for the misdeeds of our predecessors*, and are certainly bound to repair the evils they have effected, it becomes us, I repeat, to bear constantly in mind that *ever since her connection with Great Britain*, Ireland has been a grievously oppressed country ; that, for the ignoble purpose of extinguishing her religion, and seizing the property of its votaries, she has been deprived of those political privileges which were her birthright, and which, sooner or later, she *will* possess ; that, so far from the Irish being a turbulent people, they are made so by circumstances *under the control of England* ; and that, dissatisfied as they are and have been, the wrongs they have endured, the insults they have suffered, would have JUSTIFIED a course of conduct incomparably more violent than any which Ireland in her wildest moments, in her fiercest paroxysms of excitement, has displayed."*

The very sentiment of a writer in the *Dublin Review*.

"It was," says Dobbs, author of Prior's "List of Absentees," "the keeping up the farm-houses and the tenures of the yeomanry in England that was the founda-

* "The Miseries and Beauties of Ireland," by Jonathan Binn, Assistant Agricultural Commissioner on the late Irish Poor Inquiry, vol. ii., p. 414, &c.

tion of their improvements and industry, and of the liberties they enjoy under their present liberal constitution.

“The want of this yeomanry is the principal evil to be removed in Ireland, from whence most of our inconveniences flow. It is greatly the cause of our indolence and inactivity, and a spur to our extravagance. Could I ever hope to see our nobility and gentry so generous to their country, to their posterity, and, I may say, to themselves, as to fix the tenures and possessions of their tenants on a lasting and certain foundation, by leases of lives renewable or fee farms, I would not doubt to find our people soon become industrious and frugal to the utmost. This would occasion the improvement of our land, and give full employment to our people. I am sensible this proposal will be liable to many difficulties, and many objections will be started against it by the nobility and gentry of this kingdom. The discouragement to improvements arising from our present method of letting our land, by short leases of twenty-one years, is obvious to all. Places where numbers of Papists are great, it is plain, will never be improved ; on the contrary, they will rather endeavor to waste and impoverish the land, though bound up by the strictest ties. This is occasioned by the shortness of their leases. We find very little improvement made on leases of thirty-one or forty-one years.”*

Si tale in viridi quid in arido. If such be the state of the green wood, what are we to think of the dry ? If men are hardly to be expected to improve on leases of forty-one years, what improvement can we hope for at their hands on no lease or security at all ? Security, then, must be obtained, and that, by either perpetuities at revaluation rents, or, better again, by peasant proprietorship.

* Essay on the State of Ireland, Irish Tracts, v. ii., p. 470.

CHAPTER VI.

AUSTRIA, ITALY, RUSSIA.

"The tenant has land for ever on paying the fixed duties to the feudal superior."—*Infra*.

WHAT England has been to Ireland for centuries, Austria has been to her provincial dependencies, Italian, Hungarian, Polish, since the date of that "conspiracy of despots," the treaty of Vienna. Yet, with all her political short-comings, Austria failed not to attend to the main interests of her imperial rule, in the encouragement of her rural industries, and her system of rural economy. Reading the following from Alison, we are carried back to Inglis and Sismondi's description of Zurich and the Engantine: "The secret," writes he, "of this remarkable well-being of Austria is to be found in the tenure by which land is held, joined to the just and equitable principles on which civil government has long been administered." The tenant "is a *feuar*, in the sense of the Scotch law—that is, *he has land for ever* on paying the fixed duties to the feudal superior. The *real right* of property remains with the *coloni* as long as they discharge their feudal duties. The rules of law in relation to these tenants are *extremely just towards the tenants*." What a contrast to the rules of law in relation to the tenants in Ireland, as regards which Chief Justice Penniefather, as we have seen, declared that "THE

WHOLE CODE RELATING TO LANDLORD AND TENANT IN THIS COUNTRY WAS FRAMED WITH A VIEW TO THE INTERESTS OF THE LANDLORDS ALONE. THE INTERESTS OF THE TENANTS NEVER ENTERED INTO THE CONSIDERATION OF THE LEGISLATURE;" and after entering into certain details, commencing with 9th Anne, c. 8, secs. 1 and 2, he thus concludes: "THE LEGISLATION ON THIS SUBJECT IS A PROGRESSIVE CODE, GIVING IN EACH SUCCESSIVE ACT ADDITIONAL REMEDIES TO THE LANDLORD." That is, in Austria "the rules of law are *extremely just towards the tenants*;" in Ireland "the whole code was framed with a view to the interests of the landlords;" and, as a consequence, the Austrian cultivator of the soil has ever proved devotedly loyal to its fostering "rule," and has freely and loyally shed his blood in his country's defence. In Ireland it takes 40,000 bayonets to keep down the chronic spirit of insurrection equally fostered by the fell "code of law" condemned, as above, by the learned judge. Maria Theresa it was who inaugurated the freedom of agriculture and the independence of the peasant, in the kingdom, by her famous URBARIUM, or land code, which confers on the occupier a joint right with the owner in the soil—that "real right" to which Alison above refers—for certain moderate equivalents of quit rents to the crown, and labor to the lord of the manor, which, however, as Alison remarks, the peasant can "commute on favorable terms" for payment in cash. Even more, by a decree of the late emperor, as we are informed by Mr. John Paget, "the peasants are now allowed to free their lands for ever from all services to their landlords on payment of a sum of money—in fact, to become landowners—a privilege hitherto reserved exclusively to the nobles—and to have their land clear of entail." And he adds: "About 400,000 farms, at an average of forty acres each, has thus become disposable

property, and nearly half a million of families have been raised in the social scale. They are no longer liable to arbitrary punishments, and cannot be imprisoned except on conviction before the proper authorities."* Thus, thirty years ago, did Austria break through the last trammels of agrarian feudalism, and build up for herself a loyal, because a contented and independent people. The same land code obtains now throughout the Austrian dominions with the happiest results. When shall the geocrats of Ireland cease to ring the changes on the "rights of property," "confiscation," "*tenant-right, landlord-wrong?*" Or, no more than from other countries, will they never "learn lessons of wisdom" from the land laws of the Austrian empire?"

RUSSIA.

Even in what we, with our usual British self-complacency, call "despotic Russia," the condition of the "serf" is freedom and happiness itself, as compared with that of the Irish rack-rented tenant-at-will. In the worst of bad and rude times his "noble master" was bound to see him well fed, well clad, and fairly housed. In due course, over twenty years ago, the sovereign partially emancipated the serfs on the crown lands, and finally obliged the nobles to follow his example, and elevate the serf from the condition of a predial laborer, which is next thing to an African nigger, to that of an independent tenant, having "a real right," as in Austria, to the soil which he tills. In Ireland no man can say of an inch of Irish soil, "This is my own," except the landlord, that is, about one man in every 5,000!!—a state of society jarring

* "*Hungary and Transylvania*," London, 1839.

with the first principles of human right and the clear provisions of divine economy :

“ *Est aliquid quocunque loco quocunque recessu,
Unius sese dominum fecisse lacertæ.*”

This “aliquid” of the Roman poet is that “magic of property” which, according to Sismondi and Young, “turns sand into gold.” The Russian serf boasts of it to-day; how much longer will it be denied to the Irish agrarian slave?

ITALY.

No other country in Europe, perhaps, furnishes within itself a more striking proof of the agricultural truths which we have hitherto endeavored to illustrate, than the Italian peninsula, “so blessed by God and cursed by man,” like a nameless island. There we find plenty, comfort, and happiness following in the wake of minute ownership, minute cultivation, and security of tenure; while idleness and squalid beggary are equally the results of mammoth estates, consolidated farms, and extensive pasturage. Nowhere in the country is the land more largely distributed among the people than in Tuscany; and nowhere else in the peninsula, Lucca, perhaps, excepted, has there been witnessed, in spite of political complications, so much material prosperity and social comfort. Laing informs us, that among a population of 1,436,785 there were, in 1836, 130,190 landed estates.* In other words, allowing five persons to each family, we have almost every second family holding its land, as in France, in fee. Of the above 130,190 proprietors there are 87,000 whose land is valued at only £5 a year, and

* “Notes of a Traveller,” p. 459 : London. 1842.

31,000 the yearly value of whose property is only £25. "And," asks Alison, "what has been the consequence? Why, that Tuscany now exhibits the marvellous, and, to an economical observer, the highly interesting combination of ancient civilization with social felicity, of density of population with general well-being, of declining commercial prosperity with increasing agricultural opulence."* Hence, Laing asks us to "compare the husbandry of Tuscany, &c. . . . the clean state of the growing crop the garden-like cultivation of the whole face of the country, with the desert waste of the Roman Maremma" (30 leagues in length, ten in breadth, with only its score of tenants)—to "compare the well-clothed, busy people, the smart country girls at work about their cows' food, or their silk-worm leaves—with the ragged, sallow, indolent population, lounging about their doors, in the Papal dominions, and with nothing to do on the great estates; lastly, (to) compare the agricultural industry and operations in this land of small farms with the best of our large-farm districts, with Tweed-side or East Lothian, and (to) snap our fingers at the wisdom of our Sir Johns, and all the host of our book-makers on agriculture, who bleat after each other that solemn saw of the thriving tenantry-times of the war—that small farms are incompatible with a high and perfect state of cultivation. . . . Our system of large farms will gain nothing in such comparison with the husbandry of Tuscany, Flanders, or Switzerland, under a system of small farms."† And elsewhere he embodies the same sentiment, in the following language: "A small farm, held, not by the temporary right of a tenant, or under the burden of a heavy rent, but by the owner of the soil, and cultivated by the labor of his family, is precisely the

* "Hist. of Europe," v. 163.

† "Notes of a Traveller," p. 459.

principle of gardening applied to farming; and in the countries in which land has long been occupied and cultivated in small farms by the owners—in Tuscany, Switzerland, and Flanders—the garden-like cultivation and productiveness of the soil are cried up by these very agriculturalists and political economists who cry down the means, the only means, by which it can be attained universally in a country—the division of the land into small garden-like estates, farmed by the proprietors.”*

Mr. Sadleir is equally emphatic on the result of minute farming, and, of course, of security of tenure, in Tuscany and other parts of Italy. Quoting Chateaufieux's description of the rural manners and economy of Italy, he says: “The farms of Tuscany are not more than from three to ten acres. He dwells on their extraordinary productiveness, which he justly attributes to the thickly-planted habitations.”†

The following remarks I would specially recommend to our monster exterminators. “He remarks upon the fatal effects of depopulation on the happiness and prosperity, and especially the wealth, of various parts of the peninsula; the latter he invariably connects with minute cultivation; that where the population disappears, the destruction of the class of consumers soon ruins, in return, that of the producers, and contrasts this state of things with those districts where numbers create plenty and prosperity.”‡

In connection with the reclamation of that 4,600,000 acres of waste, but reclaimable, land of Ireland, the following extract may be not uninteresting:—

“I wish,” says Sadleir, “I could insert his (M. C.'s) beautiful description of the reclamation of the marsh in

* “Notes of a Traveller,” pp. 46, 47. † “Ireland,” &c., p. 113.

‡ *Ibid.*, p. 113-14.

the Val di Chiana, consisting of about three thousand acres, belonging to the religious order of St. Stephen's. It seemed most natural to throw the whole into one grand domain with a suitable mansion in the centre. But the Tuscans knew better than thus to consign it to languor and inactivity. They divided it into a number of small farms, the extraordinary productiveness of which (for he visited it in time of harvest), and the happy occupation of the numerous families, its inhabitants, he describes in a most pleasing manner. It just strikes me that if the Protestant order of St. Stephen's in this country would follow the example of the Italian one, and reclaim an Irish bog, by way of trial, and thus parcel it out among a number of meritorious inhabitants, the experiment might be better worth hazarding, notwithstanding the uproar it certainly would create amongst the political economists, than spending ten times the sum in expatriating an equal number of people."*

But no. Though M. Chateaubieux declares that "Italy supplies the political economist with lessons of wisdom,"† he of the English order of St. Stephen's seems incapable of laying those lessons to heart. He, as a rule, is a landlord of the Irish type, utterly blinded by his own pride and self-love, his antipathies of race and religion, his sordid avarice, and his lust of exclusive political power, and thus the plainest instruction, furnished by experience no less than by common sense, is impervious to his callous and stubborn intellect. For him there is no god but SELF, and Malthus is his prophet.

It would seem that Lucca even exceeded Tuscany in its agricultural progress and prosperity. Mr. Sadleir says of it: "Doubtless the little state of Lucca is the most densely populated independent district in the civilized

* "Ireland," &c., p. 114.

† *Ibid.*

world (there was no kingdom of Italy then) . . . There are between three and four hundred inhabitants on the square mile throughout. It was, even in Addison's days, the most thickly peopled state in Italy ; and as the laws of nature have equally operated everywhere, except where they have been withstood, its condition corresponded. His description of it is as follows: 'It is very pleasant to see how the small territories of this little republic are cultivated to the best advantage, so that one cannot find the least spot of ground that is not made to contribute its utmost to the *owner*.' " *

In Ireland the "laws of nature have been withstood" by grinding, imperious landlords, supported by infamous, foreign, landlord-made law, and the consequence is wholesale misery, emigration, depopulation, with merited discontent and disaffection.

Mr. Sadleir further quotes Forsyth as stating that "the little state of Lucca is so populous that very few acres, and those subject to inundation, are allotted to each farmer in the plain. Hence their superior skill in agriculture and draining, hence that variety of crops in every enclosure, which gives to the Val Serchio the economy and show of a large kitchen-garden." And he then generalizes as follows: "EVERY STATE IN THE *Peninsula* IS PRODUCTIVE, OR OTHERWISE, IN PROPORTION TO THE NUMBER OF FARMERS IN A GIVEN SPACE OF LAND, EQUALLY GOOD." †

Next, after a passing reference to Sismondi's account of the agriculture of Tuscany, he again quotes Chateauvieux, "who," like Mr. Kay, "informs his readers that he did not traverse Italy in order to speak of its edifices, its cities, its monuments, but to relate its rural

* Addison's "Italy," p. 308. Sadleir, *ibid.*, p. 110.

† "Remarks on Italy," quoted, *ibid.*

history, and to describe how its fields are cultivated." And, prefacing his quotations, Mr. Sadleir says: "It (M. C.'s book) establishes, as it respects that most interesting country, the fact, beyond contradiction, that large farms, of which there are many of a vast size in Italy, compared with the small ones, of which, happily, there are more, invariably exhibit the most slovenly, imperfect, and unproductive cultivation, while agriculture in detail is invariably crowned with wealth, plenty, and happiness." He then quotes M. Chateauvieux as follows: "This system (of minute culture) possesses the advantage of bringing the greatest quantity of produce to the market. I make this assertion in opposition to Arthur Young, who attributes this advantage exclusively to large farms. But from the accounts just presented it is evident that, in the first place, the subdivision of farms increases at the same time the number of plantations, gardens, and farm-yards, by which means abundance of minor produce is obtained which is lost upon a large farm. I am of opinion that not any country brings so large a proportion of its produce to market as Piedmont." (The population in Piedmont is 222 to the square mile, in Great Britain 162.) "The number of farms in Piedmont is surprising, and yet this limited country, having a great part of its surface occupied by mountains, after satisfying its own wants, supplies the territories of Genoa, Nice, and even the port of Toulon, with corn and cattle." ("Is there anything," asks Mr. Sadleir, "in the way of 'surplus produce' like this, excepting the instance of poor Ireland?") Chateauvieux proceeds: "Without making an exact calculation, it is evident from the statement that there must be a superfluity of produce in the country, which must be attributed to its rural economy rather than to its direct fertility, for the average return of corn in Piedmont is not quite six to one." And that

economy he explains as of minute cultivation, adding: "The superiority of the agriculture and rural economy beyond that of perhaps any other country, and the phenomena of its great population and extensive exportation of produce, will no longer appear extraordinary." And let us contrast this prosperity with the squalid misery of other portions of Italy, and the secret becomes plainer still. "Why," says Laing, "should the physical and moral condition of this population (that of Tuscany, equally applicable to Piedmont) be so superior to that of the Neapolitans, or the people of the Papal States? The soil and climate and productions are the same in all these countries. The difference must be accounted for by the happier distribution of land in Tuscany."* Thus do we find in the Italian peninsula the same striking contrast presented to us in the great German empire. Tuscany, Lucca, Piedmont, like Saxony, with their small fee or freehold farms, and their wonderful prosperity; Naples and the Maremma, like Bohemia, with their large estates, feudal lords, and peasant serfs, and their poverty and rags. Added to its agricultural, came, in course of time, its political freedom to Piedmont, and to-day its sovereign sways the sceptre of nearly all the rest.

"The contrast," says a writer in the *Dublin Review* (June, 1848), "between the physical and moral condition of the Neapolitan and Tuscan populations is most striking; the latter are frugal, industrious, and provident, while the former are reckless, lazy, and impoverished. The Tuscans live in good houses, and are well clothed; the habitations of the Neapolitans are mean and filthy, while the peasantry are clothed in sheep-skins with the wool on, and, notwithstanding their beautiful climate and fruitful soil, are in a lower condition than the Laplanders."

* "Notes of a Traveller," p. 459.

As the last and latest witness, and no enemy of Irish landlords, and no advocate of "spoliation," let me merely refer to the present learned Chief Justice of the Queen's Bench, who strongly urges on their class the adoption of the system which he himself saw productive of so much good on the banks of the Arno.*

With all these examples before their eyes, the Irish landlords persist in the retention of their feudal monopolies. The entire face of the European continent—its darkest spot alone, unhappy Spain, excepted—proclaims the almost self-evident truth that security of tenure, with moderate rents, and, much more so still, minute ownership, and minute cultivation, are conditions essential to agricultural success; yet will they cling to their ruinous traditions, regardless alike of the calls of humanity, Christianity, and country. It has now, however, become a question of vital interest to themselves—an alternative between their or the people's extermination on the one side, or the people's protection on the other. What their sense of right and justice has so long failed to effect, their vulgar selfishness may, in the end, induce them to accomplish.

* Whiteside's "Italy."

CHAPTER VII.

THE CHANNEL ISLANDS.—NORWAY.

"The happiest community," says Mr. Hill, "which it has ever been my lot to fall in with, is to be found in this little island of Guernsey."—*Mill's "Polit. Econ."* b. vi., c. 5.

RETURNING from our rapid survey of some of the continental countries, what do we discover still nearer home, in the humble, unpretending Channel Islands? The same effects, if possible in a degree still more remarkable resulting from a similar cause. The land belongs to the people, and the people "have only to be happy." The soil is held in small parcels, chiefly in fee, cultivated by the owners with spade and hoe, while the tenants, strictly so called, hold the land in perpetuity, at a stipulated rent determined by valuation.

The contract, once effected, becomes, *ipso facto*, permanent as long as the rent is paid. The land thus descends from sire to son in the shape of freehold or fee-simple property. And what is the result? Why, that under the sun there is not more real social and domestic comfort, and less crime. A beggar is a phenomenon totally unknown there. Capital offences there are never perpetrated. There is a steady progressive increase of population. In Guernsey, from having been 26,706 in 1841, it mounted to 29,732, or nearly 12 per cent. in ten years. While, in Jersey, it ascended within the same time from 47,556 to 57,155, or nearly 20 per

cent.; and all this while Ireland was losing some 30 per cent. of her best blood—while that blood was sacrificed at the shrine of political economy, and its fit creation and agent—exterminating landlordism.*

“These islands, in fine,” says M. Leonce de Lavergne in his “Rural Economy,” “to resume this brief study, have not to govern themselves, to provide themselves with police, to defend themselves—they have only to be happy, and that they are.”† “They have only to be happy!” What a lot! How different from that of the Irish serf, who “*has only to be miserable!*”

“Of the efficiency and productiveness of agriculture on the small properties of the Channel Islands,” says Mill, “Mr. Thornton produces ample evidence, the result of which he sums up as follows: ‘Thus it appears that, in the two principal Channel Islands, the agricultural population is, in the one twice, in the other three times as dense as in Britain—there being in the latter country only one cultivator to every twenty-two acres of cultivated land, while in Jersey there is one to eleven, and in Guernsey one to seven acres. Yet the agriculture of these islands maintains, besides cultivators, non-agricultural populations respectively four times as dense as that of Britain. This difference does not arise from any superiority of soil or climate possessed by the Channel Islands, for the former is, naturally, rather poor, and the latter is not better than in the southern counties of England. It is owing entirely to the assiduous care of the farmers, and to the abundant use of manure.’”‡ And he then shows, from Mr. Inglis’s work, how much greater is the return of wheat per acre out of the small farms of

* Peraud, i., 349, who quotes Dr. Heylen and Mr. Vincent Scully.

† Quoted by Peraud, *ibid.*

‡ “Polit. Econ.,” b. vi. c. 7.

these islands than from the mammoth holds of England. The land, too, fetches a much higher price, while the agricultural savings, as shown by the deposits in savings banks, are much larger in proportion to the population.

What, were the Irish land code to have prevailed in these happy isles for three centuries past? Give us, even now, in Ireland, a tenure and protection similar to that of Guernsey, and watch the consequence.

NORWAY.

Let us now travel somewhat northward, and witness what obtains in the half-polar regions there. Mr. Laing thus describes it:—

“In Norway the land is parcelled out into small estates, affording a comfortable subsistence, and, in a moderate degree, the elegancies of life, but nothing more. With a population of 910,000 inhabitants, about the year 1819, there were 41,656 estates. In Norway the law of succession prevents property from being accumulated in large masses. The estates of individuals are generally small, and the houses, furniture, food, comforts, ways and means of living, of all classes, appear to approach more nearly to an equality to one standard than in any other country in Europe. This standard is far removed from any want or discomfort on one hand, or from any luxury or display on the other. The actual partition of the land itself seems in practice not to go below such a portion of land as will support a family comfortably, according to the habits and notions of the country.”*
“The habits and notions” of this country happen to be of a different order—the same precisely as those “habits

* “Journal of a Residence in Norway.”

and manners" of ancient Rome and other plethoric nations, which ended in their ruin and disruption.

According to this eminent writer, there was in Norway, in 1819, 41,656 landed estates, among a population of 910,000. In Ireland, with six times the population, we have only 8,000 or 10,000 "owners" of the soil.

He sums up the results of his observations in the following paragraphs:—

"*First*—That the structure of society in which, through the effects of the natural law of succession in equal shares, there is a very general diffusion of property among all classes and individuals, is better calculated for the ends of all society—the producing the greatest possible quantity of well-being and happiness to the greatest number of persons—than that structure in which the possession of property, by the operation of an artificial law of succession, such as the feudal law of primogeniture, is restricted to particular classes and individuals among the families of the community.

"*Second*—That the influence of property upon the human mind, the never-ceasing propensity to acquire and to save, and the equally strong propensity to indulge in the tastes and habits generated by property, form the real checks which nature has intended for restraining the propensity to propagation by improvident marriages, and for preventing the population of a country from exceeding the means and property on which it is to subsist; consequently the diffusion of property through society is the only cure for that king's evil of all feudally constructed societies, pauperism and over-multiplication. Consequently, the idea of bolstering up this unnatural structure of society, as proposed by Dr. Chalmers and other eminent political economists, by inculcating in the minds of the laboring classes a fictitious moral restraint upon marriage—an act which may be eminently improvident, but can never be

designated as immoral, without confounding together prudence and morality, and overturning all the landmarks of human virtue—is as contrary to political as it is to moral principle.

“*Third*—That, for the admitted evil condition of the vast population of Ireland, there is no other *effectual* remedy than an alteration in the law of succession to property, by which, without injury to the just existing rights of any living individual, the succeeding generations in that country would become gradually connected with its property—inoculated and imbued with the curbing tastes, habits, and influences thence arising, and their increase of numbers thus placed under the restraint of the only natural and effective check which Providence has imposed upon the tendency of the population to exceed the means of subsistence.”*

Sound and profound reasoning. Let us ask again, how long until it makes its way through the murky atmosphere of Irish territorial exclusiveness and monopoly?

For further information on Flemish agricultural progress, as also on that of Switzerland, Norway, Germany, the Channel Islands, and France, as the result of security of tenure and peasant proprietorship, we would refer the reader to Mr. Mill’s “Treatise on Political Economy.” He quotes from Sismundi (“Studies of Political Economy” and “New Principles of Political Economy”), from H. D. Inglis (“Switzerland, the South of France, and the Pyrenees”), from W. Howitt (“Rural and Domestic Life of Germany”), from Dr. Karl Heinrich Rau (“Agriculture of the Palatinate”), from Thaer (“Principles of Rational Agriculture”), from M’Culloch’s “Geographical Dictionary” (art. Belgium, Flemish Husbandry, &c.), from Niebuhr’s “Life and Letters,” whose testimony touching the Campagna I requote: “Wherever you

* *Ibid.*

find hereditary farmers or small proprietors, there you also find industry and honesty. I believe that a man who would employ a large fortune in establishing small freeholds might put an end to robbery in the mountain districts,"* &c. As well as from Sir Arthur Young ("Travels in France"), Thornton, Laing, Kay, cited above; and they concur in extolling the system of *petite culture*, security of tenure, and especially of peasant ownership. Sir Arthur Young says, in reference to the farms of French Flanders, that they "are all small and much in the hands of little proprietors." He proceeds: "In Bearn I passed through a region of little farmers, whose appearance, neatness, ease, and happiness charmed me; it was what property alone could, on a small scale, effect."† While of the island of Guernsey, Hill, quoted by Kay, calls the inhabitants "the happiest community that it ever has been my lot to fall in with." "No matter," says Sir George Head, "to what point the traveller may bend his way, comfort everywhere prevails."‡ "When the land is cultivated entirely by the spade, and no horses are kept, a cow is kept for every three acres of land, and entirely fed on artificial grasses and roots. This mode of cultivation is adopted in the Waes district, where properties are very small."§ "The natural soil consists almost wholly of barren sand, and its great fertility is entirely the result of skilful management and the judicious application of various manures."||

To all the above mass of evidence what is the reply of the feudal lords and the consolidators? Merely the gratuitous assertion that such a system of farming does not suit Ireland, while such a tenure would be subversive of "the rights of property." But these mere assertions are manifestly negatived by experience, as they are rejected by

* Vol. ii., p. 149.

† Mill, p. 170.

‡ *Ib.* p. 167.

§ M'Culloch quoted, p. 165.

|| *Ib.* p. 164.

common sense. If security of tenure and minute or moderate cultivation be best for a poor soil—convert it into a soil rich and productive—surely the same, *a fortiori*, cannot fail to be most profitable for such a soil as that of Ireland, whose productiveness, we have seen, exceeds that of Scotland, and even of England itself. No, this is not the real objection. The greed of absolute power, joined to the evil spirit of national and religious hate, is the real secret of the opposition to such rational and inevitable changes. How long, we repeat, is this feudal opposition to last?

CHAPTER VIII.

SPAIN.

"They (travellers) extol the fruitfulness of a soil which yielded the products of the most opposite climes; the hills clothed with vineyards and plantations of fruit trees, much more abundant, it would seem, in the northern regions than at the present day; the valleys and delicious vegas glowing with the rich luxuriance of southern vegetation, extensive districts now smitten with the curse of barrenness, where the traveller scarce discerns the vestige of a road or of a human habitation, but which then teemed with all that was requisite to the sustenance of the populous cities in their neighborhood.—*History of the Reign of Ferdinand and Isabella*, by William H. Prescott, part ii, c. 26.

Such was Spain in the zenith of her fame, her power, and her greatness—the Spain of Ferdinand and Isabella and their two immediate successors. Of the more modern Spain the same classic pen furnishes the following lugubrious picture :—

"The inhabitant of modern Spain or Italy, who wanders amid the ruins of their stately cities, their grass-grown streets, their palaces and temples crumbling into dust, their massive bridges choking up the streams they once proudly traversed, the very streams themselves which bore navies in their bosoms, shrunk into too narrow a channel for the meanest craft to navigate—the modern Spaniard, who surveys these vestiges of a giant race, the tokens of his present degeneracy, must turn for relief to the prouder and earlier period of her history, when, only, such great works could be achieved. . . . Such a period in Spain cannot be looked for in the last, still less in the seventeenth century, for the nation had then reached the

lowest ebb of its fortunes ; nor in the close of the sixteenth, for the desponding language of Cortes shows that the work of decay and depopulation had then already begun.”*

“The work of depopulation” commenced with the capture of Granada, in 1491, and the consequent inhuman wholesale expulsion of the Moors and Jews—the former to the number of two millions and a half, the latter to the figure of half a million—the first step in that downward march of hers, which seems to have reached its lowest depths in the insurrection which rages at this hour, the second within the year.

Accounts of the agricultural condition of Spain are very conflicting ; yet in the very conflict of evidence we still discern the important truth, that whatever of evil exists in the rural condition of the Peninsula has arisen from consolidation, grazing, and monopoly of land in the hands of a few. Strangely enough, Alison describes “the peasantry” as “bold, prosperous, and independent,” while in the next breath he tells us that “the decay of its (Spain’s) national strength, falsely ascribed by superficial writers to the drain of colonial enterprise, and the possession of the mines of America, was really owing to the accumulation of estates in the hands of communities and noble families, and the predominant influence of the Catholic priesthood, which for centuries had rendered that fine kingdom little else than a cluster of convents, surrounded by a hardy peasantry.”† However, touching the latter cause, we may hear the diligent historian reply to himself. “But,” writes he, “the peasantry, hardy and undaunted as they were, would have been unable to have

* Prescott, “History of the Reign of Ferdinand and Isabella,” part ii., c. 26.

† “Hist. of Europe,” vol. iii., p. 142.

combined in any effective league for their common defence, destitute, as they for the most part were, of any support from their natural leaders, the owners of the soil, if it had not been for the weight and influence of a body which in every age has borne a leading part in the contests of the Peninsula. This was the CHURCH, the lasting and inveterate enemy, in every country, of revolutionary innovation." The author is obliged to differ from Alison as to this inveterate enmity of the Church to revolution. It is notorious that it was the Belgian Church that made the revolution of 1830. Catholic priest conspired with radical, nay, infidel, layman, to drive the tyrannical Dutchman back to his dikes, to repent, when too late, of his imperious attempt to impose his own religion on the one, and his own language on both.*

"The ecclesiastics in Spain were very numerous, amounting, according to the census taken in 1787, to 22,480 parish priests, and 47,710 regular clergy, belonging to monasteries or other religious establishments. The influence of this great body was immense. Independent of their spiritual ascendancy, in a country more strongly attached than any in Europe to the Romish Church, they possessed as temporal proprietors unbounded sway over their flocks. As in all other countries, it had long been felt that the Church was the best and most indulgent landlord; the ecclesiastical states, which were very numerous and extensive, were much better cultivated, in general, than any in the hands of lay proprietors; and the tenants held their possessions under them at such moderate rents, and by *so secure a tenure*, that they had long enjoyed almost the advantages and consideration of actual landlords.

"Nor was this all: the charity and beneficence of the monks had set on foot in every part of the country ex-

* See "Historical and Political Essay on the Belgian Revolution," by Northumb. Brussels, 1834.

tensive institutions, through which, more than any others by which they could be effected, the distresses of the poor had been relieved. They partook, in a great degree, of the character of the hospice, particularly in the northern provinces. To the peasant they often served as banking establishments, where none other existed in the province, and as such essentially contributed to agricultural improvement. The friars acted as schoolmasters, physicians, and apothecaries. Besides feeding and clothing the poor and visiting the sick, they gave spiritual consolation. 'They were considerate landlords and indulgent masters.'* Yet the author of these just and flattering encomiums had previously informed us that "the decay of national strength" was, among other causes, "to be ascribed to the predominant influence of the Catholic priesthood"—those "schoolmasters, advocates, physicians, apothecaries, considerate landlords, good masters, peace-makers in domestic broils, and props of support in family misfortunes!!"

After describing, in terms the opposite of the foregoing, the corruption of the nobility, "assembled for the most part in the capital, devoted to the frivolities of fashion or the vices of a court; taught to look for the means of elevation, not in the energy of a virtuous, but in the intrigues of a corrupted life;" he thus sketches the condition of the peasantry—no doubt, not of these effeminate and degenerate and absentee *hidalgoes* and *ricos hombres*, as the two grades of nobility were designated, but of the Church.

First he states the result of land monopoly as follows:—

"The original evil of entails had spread to a greater extent and produced more evil consequences in Spain than in any other country of Europe. A few great families engrossed more than half the landed property of the

* "Hist. of Europe," vol. xii., p. 12.

kingdom, which was effectually tied up from alienation, and of course remained in a very indifferent state of cultivation ; while the domains of the cities or corporate bodies held in mortmain, and, for the most part, uncultivated, were so extensive, that a large proportion of the arable land in the kingdom still remained in a state of nature.

“Notwithstanding these unfavorable circumstances, the elements of great political activity and energetic national conduct existed in the Peninsula. The peasantry were everywhere an athletic, sober, enduring race ; hardy from exercise, abstemious from habit, capable of undergoing incredible fatigue, and of subsisting on a fare which to an Englishman would appear absolute starvation. . The Valencian and Andalusian levies presented a physical appearance greatly exceeding that of both the French and English regular armies. The cause of this remarkable peculiarity is to be found in the independent spirit and general well-being of the peasantry.

“Notwithstanding all their government and institutions, the shepherds and cultivators of the soil enjoyed a most remarkable degree of prosperity. Their dress, their houses, their habits of life demonstrated the long established comfort which had for ages prevailed among them ;” and he thus furnishes the secret in the “magic of property :” “Vast tracts, particularly in the mountainous regions of the north, WERE THE PROPERTY OF THE CULTIVATORS—a state of things of all others the most favorable to social happiness, when accompanied with a tolerable degree of mildness in the practical administration of government ; and even in those districts where they were merely tenants of the nobility, the cities, or the Church, their condition demonstrated that they were permitted to retain an ample share of the fruits of the soil.”

He adds : “The general comfort of the Spanish pea-

santry, especially in the northern and mountainous provinces, is easily explained by the number of them who were owners of the soil, coupled with the vigor and efficacy of the provincial immunities and privileges which, in Catalonia, Navarre, the Basque Provinces, Asturias, Arragon, and Galicia, effectually restrained the power of the executive, and gave to the inhabitants of those provinces the practical enjoyment of almost complete personal freedom. So extensive were their privileges, so little did government venture to disregard them, that in many cases those enjoying them were to be rather considered as democratic commonwealths, inserted into that extraordinary assemblage of separate states which formed the Spanish monarchy, than as subjects of a despotic monarchy. The classification of the people was as in the note below,* which speaks volumes as to the condition of the people and the causes of their prolonged resistance to the French invasion."†

So far Alison, who cites many respectable authorities for his conclusions. These may be easily admitted as regards the peasant-proprietor estates; but touching the others—the *latifundia*—a more modern writer holds very different views. The discrepancy, however, may be accounted for by supposing the historian to have referred mainly to the northern provinces, as he did, while the essayist had the central and southern chiefly in view.

* NOTE.—Total inhabitants,	-	-	-	10,409,879
Families engaged in agriculture,	-	-	-	872,000
Owners of the soil they tilled,	-	-	-	360,000
Farmers holding under landlords,	-	-	-	502,000
Ecclesiastical proprietors,	-	-	-	6,216
Parish priests,	-	-	-	22,408
Regular clergy,	-	-	-	47,710

† "Hist. of Europe." *Ibid.* pp. 11, 12.

The following brief description is from a pen the accuracy of which cannot be questioned when dealing in such a strain with a Spanish question. "In Spain," writes an author in the *Dublin Review*, "the large estates are strictly entailed and badly cultivated; the peasantry are indolent and poor. The vast possessions are generally managed by stewards, and the middle class of agriculturists has no existence; though the soil is everywhere fertile, it is, generally speaking, most unskillfully managed, and often abandoned to the caprice of nature. Nothing can be more painful than to behold this fine country, which rose to such a degree of prosperity under the Romans and the Arabs, now so fallen and so impoverished. *The principal source of its degradation may be found in the landed monopolies, nearly the whole country being owned by large proprietors, to whose ancestors it was granted at the time of the Conquest.* They who preach the preservation of families and estates, and deprecate the subdivision of property, should make a journey to Andalusia, which immense province is said to belong almost entirely to the Dukes of Ossuna, Alba, and Medina Coli." Except that in Spain the ancestors of these "large proprietors" were Spaniards themselves and also Catholics, the confiscations in their favor remind one powerfully of what took place in Ireland, and with similar but aggravated results.

But let us hear a Spaniard himself speak on these results of consolidation, and, in consequence, of neglected agriculture. Don Guspard Melchior Jovellanos, ci-devant ministre de grace et de justice et membre du Conseil d'Etat de S. A. Catholique, wrote a book, over sixty years ago, entitled, "*L'Identite de l'interet general avec l'interet individuel est la vrai source des richesses des nations. Principe expose dans le rapport sur un projet de loi agraire adressé au Conseil Supreme de Castille au nom*

de la Société Economique de Madrid." And this I find gravely noticed in the *Edinburgh Review*, from which I call the following extracts. After giving a history of Spanish agriculture from the time of the Romans to his own day, and exposing several of the existing abuses in connection with land in the country, he comes to deal with the pastoral society known as the *Mesta*, which, it would seem, might be termed "a mutual protection society of mountain and lowland shepherds, as against the cultivators of the soil," and says: "This unequal league, disadvantageous to the former, who went on declining, while the favor (shown) and the means of the latter increased day by day, became very fatal to the public interest, because it united the riches and the credit of the lowlanders (riverains) with the industry and numbers of the mountaineers, and produced, in the end, a body of shepherds so enormously powerful, that, by force of sophistry and representations, it not alone came to hold a monopoly of the entire grass of the Peninsula, but it further succeeded in turning into pasture the best tillage land, to the great loss of the local flocks, of agriculture, and of the rural population." Let us put "grass farmers," with "their wealth and credit," for "shepherds;" "political economy," of the Malthusian and M'Culloch stamp, for "sophistical representations;" "the whole island" for "the Peninsula," and we have the state of Ireland in a nutshell.

He proceeds: "Another abuse, more serious, more urgently demanding redress, more pernicious to agriculture, demands the actual supreme attention of the council. We would not witness amongst us such anxiety to belong to the fraternity of the *Mesta* if our laws, in facilitating, on the one side, the accumulation of riches in the hands of a small number of powerful individuals, did not, at the same time, authorize, on the other side, the

accumulation of territorial wealth in favor of these same companies and these same persons, thus separating, more and more, individual interest from the economy of the flocks and from agriculture, they turn aside the sources of the nation's industry, whereby they (the laws) should be animated." "As it is impossible to favor individual interests, in giving them a right to aspire to the acquisition of territorial property, without, at the same time, favoring the accumulation of this wealth, it is equally impossible to suppose this accumulation, without recognizing this inequality of fortune which constitutes the real origin of so many vices and evils that afflict the body politic. In this sense we cannot deny but the accumulation of riches is an evil; but, though otherwise a necessary evil, its remedy is not far distant. When every citizen may aspire to riches, the natural vicissitudes of fortune make it pass from one to another; consequently, it can never be immense, either in quantity or duration, with any individual.

"On the other hand, equality of rights brings assurance of salutary effects. It is it that places the different classes of the state in a state of mutual dependence. *It is it that unites them with the powerful bond of mutual interest.* It is this gradation that invites the humblest citizen to wealth and honor. It is it that awakens and stimulates personal interest, which inspires its action with so much the greater strength, that equality of rights holds out for all hopes of success. It is, then, those laws that will occupy with profit the attention of the society."*

And to repeat it: "It is such laws of *equal rights for all, favor for none*, that will usefully occupy the attention of patriots and statesmen" in Ireland as in Spain.

* *Edinburgh Review*, April, 1809.

Hitherto, as we have seen, *all the laws* have been framed in the interest of "a few powerful individuals." The result is much the same as in Spain—squalid misery and consequent discontent among the masses—selfishness in the few, weakness in the nation.

As the result of entail, he tells us that "lands are gone up in Spain to a scandalous price. This price is a result of their scarcity in the market, and this scarcity comes chiefly from the enormous quantity of it that has fallen into mortmain." . . . "These are the afflicting but certain consequences of a destructive system, the effects of which the Council will perceive by casting its eyes over our provinces. What is it, where the greater part of territorial property has not fallen into mortmain? What is it, where leases have not mounted to a scandalous price? What is it, where inheritances are not open—without population, without trees, without watering, and without any kind of improvement? What is it, where agriculture is not abandoned to poor and ignorant tenants? What is it, in fine, where numbers do not fly from the fields to find more lucrative employment elsewhere?" And, for Ireland, let us ask, "What is it, where the millions live from year to year at the mercy of a set of men whose natural hard-heartedness is intensified by political, religious, and national animosities?"

Commenting on the subject of tenure, the reviewer himself makes the following wholesome reflections: "How feeble, in all cases, must be the motives for exertion and expense to increase the productive powers of the soil, where a man daily regards it as the property of another, and reflects that the produce only of a few years (one year) must be the sole reward of his labors and risk, while the permanent benefit departs from him to a stranger! How feeble, even in their most perfect form, the motives of this man to the motives of him who

regards the soil he is improving as his own, and considers that the benefit of his exertions may redound to his latest posterity! What other cause can be assigned for the small progress which England has made in agriculture, compared with that which she has made in manufactures and commerce? What other cause can be assigned why, supplying half the world with manufactures, she supplies not herself with bread? What other cause can be assigned why every branch of her mercantile establishment, gigantic as it is, overflows with capital, while capital cannot be found to cultivate the waste lands which disfigure so many of her provinces? How does it happen that the ground in the West Indies has been enabled to draw such masses of capital from commerce itself? And how does it happen that the cultivator there exhibits an intensity of zeal and exertion so much beyond what is witnessed in Europe? The only answer is that the *cultivator there is at once the cultivator and the owner* of the soil; every improvement he makes is exclusively his own, he is enabled to borrow capital by giving security upon his estate, and the rapid circulation of estates from hand to hand enlivens his activity, and accommodates him in every change of circumstances. Entirely similar is the operation of similar causes in the United States of America; nor can it be reasonably doubted that similar effects would flow from them in Europe.”*

And similar effects have actually flown and are actually flowing from such operation in all the countries of Europe in which the experiment has been made. Mr. John Bright whispers the expediency of such experiment in Ireland—“spoliator,” “communist,” and the foulest epithets in robbery nomenclature, are, in consequence, flung at him by the few monopolists of the soil.

* “Review,” p. 30.

Jovellanos also censures the possession of lands by municipal bodies, just as their possession in Ireland by speculating jobbers is no less to be reprobated. "Though Jovellanos," says the reviewer, "allows that this property is equally sacred and worthy of protection with that of individuals, he thinks the national good demands that those municipal bodies, as they show that they cannot themselves turn their land to advantage, should be compelled to divide and dispose of it, either by absolute transfer or in the way of perpetual rent." This is precisely what the "National Building and Land Company of Ireland" proposed, or pretended doing, but then it adopted the somewhat inadequate means thereto, of, at once, raising the rent to a fearful figure, and otherwise mulcting the unfortunate tenants with any amount of exactions.

What a similarity between the spirit of the Spanish and the Irish land codes—both the offspring of landlord legislation !

"The society," says Jovellanos, "in examining Castilian legislation in regard to agriculture, cannot but experience a feeling of alarm at sight of the multitude of laws which our code embraces on a subject so simple. Will it dare affirm that the greater part of these laws has not been, and is not still, either entirely opposed, or extremely injurious, or at least useless, to their object ?" As in Ireland, "the whole code relating to landlord and tenant was framed with a view to the interests of the landlords alone,"* though professing to have in view the good of the entire community—the end of all law.

"Let there be no act of parliament on either side," said O'Connell, "and the condition of the tenant will be greatly benefited, by depriving the landlord of much of the legal machinery by which he is enabled to extort

* Baron Pennefather, cited above.

exorbitant rents from the occupying tenants. All that would be necessary would be to repeal a few acts of parliament, and to restore the ancient common law of England, with respect to the relation of landlord and tenant."*

Precisely the same sentiment that Jovellanos enumerated, nearly seventy years ago, as a universal principle applicable to every country. "A little reflection," says he, "on this subject, will enable us to see that agriculture has always a tendency towards its perfection; that laws can favor it only in giving this tendency greater strength; that this favor does not consist so much in giving it encouragement as in removing the obstacles which retard its progress; in a word, that the one aim of laws relative to agriculture ought to be to protect the interests of its agents, by clearing away all the obstacles which might embarrass or weaken its action and its movement. It is evident that the office of the laws, in face of both one and the other property (that of both land and its produce), should not be to stimulate or to direct, but solely to *protect* the interests of the worker, naturally active and quite bent on his object." Hence, a return to the common law of the land would be a greater benefit to the industrious tiller, than any amount of premiums awarded either by law, or by those hollow, hypocritical "agricultural shows," in which one in ten thousand of the husbandmen can take no part, and which were conceived, and are carried out, just like the laws themselves, in favor of the landlords and the consolidators.

On this subject the reviewer himself pithily remarks : "There is not a country in Europe (there was not when he wrote, Austria and France, perhaps, excepted) where the legislature, either from blind and ignorant con-

* Letter in 1843.

ceptions of improvement, or from base subservience to the interests of some leading classes (as in Ireland), has not loaded agriculture with some pernicious regulations, and opposed to its progress some fatal obstacles. The service, therefore, which our author requires at the hands of legislators, is, not to build up, but to pull down—not to establish new laws, but to abolish old”—the same service that O’Connell required for Ireland twenty-six years ago—“the repeal of a few acts of parliament.”*

We cannot conclude our notice of Jovellanos and the review on his work without citing the following deeply philosophical passage: “The fruits of the earth,” says he, “being the immediate product of labor and forming the *only property* of the tenant, this property is the more entitled to protection in the eye of the law, that, on the one hand, it represents the sustenance of the largest and most precious portion of the individuals of the state; while, on the other hand, it constitutes the only recompense of their sweat and their fatigue. No one owes it to fortune, or to the chance of birth; each one draws it immediately from his talents and his application. It is, besides, very uncertain and very precarious, because it depends, to a great extent, on the influence of climate and the variations of the atmosphere. It is, therefore, certain that it unites in itself all the claims that can recommend it to the justice and the humanity of the government. It is not alone the husbandman who is interested in the protection of this property, it is equally the proprietor, because its products are naturally divided between the master and the cultivator.” Profound truisms! yet so ignored in Ireland, no less than, it would seem, partially in Spain. Spain, at this moment,

* *Ibid.*

is paying the penalty (?) How soon shall Ireland? Jovellanos expiated his humanity and sense of common fairness by seven years' duress in a Castilian *cachet*; O'Connell got off with only nine months' for the sedition and conspiracy of preaching Repeal and tenant right.

Thus, while England imitates the worst practices of the worst governments on the continent (Naples, in prison bolts and arbitrary arrests, no less than in her feudal estates and grass farms; Spain, in her virtual *Mesta*, her consolidations and entails), she refuses to borrow an idea from the others, whose opposite régime has secured the prosperity of an abundant and increasing population.

CHAPTER IX.

INDIA.

"The case of Ireland is similar in its requirements to that of India. In India, though great errors have, from time to time, been committed, no one ever proposed, under the name of agricultural improvements, to eject the ryots or peasant farmers from their possessions. The improvement that has been looked for has been through making their tenures more secure to them, and the sole difference of opinion is between those who contend for perpetuity and those who think that long leases will suffice. The same question exists as to Ireland, and it would be idle to deny that long leases, under such landlords as are sometimes to be found, do effect wonders, even in Ireland. BUT THEN THEY MUST BE LEASES AT A LOW RENT."—*Mill's "Polit. Econ.,"* b. ii., c. x.

PREVIOUS to the conquest of Bengal by the East India Company, the land was, strictly speaking, owned by the cultivators themselves. These paid their taxes to the *zemindars*, or public tax officers of the supreme government, a body of men, like all their class in every age and clime, from the "publican" of the gospel to the "land-agent" of Ireland, heartlessly rapacious in the exaction of unjust and exorbitant imposts. The Company, in order to give the *zemindars* a greater interest in the soil, converted them, under Lord Cornwallis, in 1793, into proprietors or absolute owners of those districts within which their jurisdiction ran. This only made matters worse. Inflated with pride at their strange elevation, they began a course of luxurious living, which could be maintained only at the cost of the life-blood of their unfortunate dependents. Like the Irish landlords of the two past generations, however, they soon ate, and

drank, and debauched themselves to ruin. Their lands were gradually bought up by less extravagant people, who, taught by experience, gradually relaxed, without entirely throwing over, the system of exactions previously carried into practice.

The ryot system, adopted by Sir Thomas Munro, governor of Madras, was a vast improvement on the *zemindar*. The ryot, in fact, was made absolute owner, "the real proprietor," as Alison says, "of the soil."* There was no landlord between himself and the supreme government, to which, through its agents, he paid his land tax. Of this system, though liable to much abuse, the same author remarks: "It is evident that this system is calculated to be much more beneficial than the *zemindar* one to the cultivators of the soil, because they are thereby brought directly into contact with the government, and participate at once, without the intervention of any middle-man, in the benefit of a fixed quit-rent only being exacted from the land."†

The third is the well-known village (or tribal) system so general throughout the East. It could not be better described than in the words of the author now quoted: "To it," says he, "probably more than any other cause the preservation of its *population and industry*, amidst the endless devastations of wars, is to be ascribed. Each village forms a little community or republic in itself, possessing a certain district of surrounding territories, and paying a certain fixed rent for the whole to government. *As long as this is regularly paid the public authorities have no right to interfere* in the internal concerns of the community. They elect their own *mocuddims*, or head-men, who levy the proportion of the quit-rent from each individual, settle disputes, and allocate to each

* "Hist. Europe," vol. x., p. 357.

† *Ibid.*

profession, or individual, the share of the general produce of the public territory which is to belong to it or him. As the community is justly desirous of avoiding any pretext for the interference of the state collectors in its internal concerns, they make good the quota of every defaulter from the funds of his neighbors, so as to exhibit no defaulter in the general return to government. The only point in which the interference of the national authorities is required, is in fixing the limits of the village territories in a question with each other, which is done with great care by surveyors, in presence of the competing parties and their witnesses, and a great concourse of the neighboring inhabitants. These villages are, indeed, frequently burned or destroyed by hostile forces, the little community dispersed, and its lands restored to a state of nature; but when better times return, and the means of peaceable occupation are again recovered, the remnant reassemble with their children in their paternal inheritance. A generation may pass away, but the succeeding generation return; the sons take the place of their fathers; the same trades and occupations are filled by the descendants of those who formerly filled them; *the same division of land takes place*; the very houses are rebuilt on the site of those which had been destroyed; and, emerging from the storm, the community revives another and the same." And he adds, as he began: "It is in these village municipalities that the real secret of the durability of society in the East is to be found. But amidst those multiplied evils (invasions, &c.), the village system has provided an unheeded but enduring refuge for mankind. The Hindoos, the Patans, the Moguls, the Sikhs, the English, have all been masters in turn, but the village communities remain the same."*

* "Hist. Europe," vol. x., p. 358-9.

On the question of this village or "tribal" system, we would strongly recommend the perusal of a few thoughtful remarks by A. G. Richey, Esq., in his "Lectures on Early Irish History"—a little volume, recently published, which we have read with pleasure and profit. In all this we cannot fail to perceive the incalculable advantage of ownership, or something substantially equivalent, such as perfect security and fixity of tenure on the part of the occupier and cultivator of the soil. It has saved India through ages of violence and devastation. Its stubborn denial hurled the French aristocracy from their high places and immunities, propertyless on the earth. Its just and quiet concession spared Prussia the horrors of a similar ordeal, and has ultimately raised her to her present proud and powerful position among European nations.

Indian legislators, unlike those of Westminster, hitherto have practically repudiated the fatal policy of "let alone" in connexion with tenure of land. We extract the following from an interesting communication to the *Pall Mall Gazette* of August last, the moral of which it would be well if our home senators took to heart. After describing substantially as above the previous laws, it says—

"In 1859, under the reservation contained in the Act of 1793, an Act was passed by the Legislative Council, which, according to English notions, was a very strong one. Its leading provisions were as follows :—It recognized, in the first place, the existence of three classes of tenants—tenants having a right of occupancy so long as they paid their rent, tenants having a right of occupancy at a fixed rent, and tenants with no right of occupancy at all. The recognition of the last class is made by various provisions, specifying the manner in which particular tenants may show that they belong to one of the superior classes. The substance of the provision in question is as follows :—

“As to the first class of tenants, who had held at a fixed rent since the permanent settlement, they were declared to be entitled to leases at those rates ; and it was enacted that every one who held at a fixed rent for twenty years should be presumed to have held at that rate since the permanent settlement.

“As for the second class of tenants, it was declared that every tenant who had cultivated or held land for twelve years had a right of occupancy, with certain exceptions. This, however, was not to affect any express written contract between landlords and tenants. The rent to be paid by such tenants was settled by the following remarkable provision :—‘ Ryots having rights of occupancy, but not holding at fixed rates, . . . are entitled to receive (leases) at fair and equitable rates. In case of dispute the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shown in a suit by either party.’

“Further provisions state the circumstances under which tenants, at a rent not fixed, are to be liable to enhancement of their existing rent at the expiration of their current term. Such an enhancement is forbidden, except in the three following cases :—First, where the rate of rent paid is below that usually paid in adjacent places for similar land ; next, where the value of the produce or of the productive powers of the land has been increased otherwise than by the agency or at the expense of the ryot ; and, thirdly, where the quantity of the land held by the ryot has been proved to be greater than the quantity for which rent has been previously paid by him. Broadly the effect of the law was this : ‘Twenty years’ occupancy at a fixed rent shall give a right to occupy at that rent ; twelve years’ occupancy shall give a right to occupy at the rent then paid, unless special cause for raising it can be shown ; and the rent shall not be raised on the expira-

tion of a tenancy, except in one of three cases of which the following are types :—It appears that, for no assignable cause, a man is paying five shillings an acre less than his neighbors for similar lands. A railway has been constructed, which raises the value of his land by giving him a new market. He has been paying rent for ten acres, whereas it appears by measurement that he holds twelve. In the converse, we should add to this, that the Bengal Rent Law contains many provisions by which the granting of leases, and the settlement of the rent at which they are to be granted, become, so to speak, judicial acts. Thus, the tenant may either resist a suit for rent on the ground that the rent is too high, or he may complain of an excessive demand, and recover double the amount. The power of distress, moreover, was considerably modified.

“We do not express any opinion at all as to the policy of this measure, or as to the effects which it has produced in Bengal. Our object in referring to it is, to give a specimen of the manner in which English governments have dealt with questions not unlike the great question of the Irish land, and to consider how far the precedent is applicable to Ireland. No doubt it is one which deserves attentive study, but in order to avoid the error of attaching undue importance to it, it is necessary to bear in mind several important differences between Ireland and India. In the first place, the relative power of the Indian legislature is far greater than that of parliament. A small body of legislators, backed in the last resort by overpowering armed force, and separated by the impassioned gulf of race and language, can, and habitually do, act towards the different classes which are under their sway after a fashion which parliament is by no means likely to imitate. If, however, we assume that parliament really means to put out its power in order to deal thoroughly with a great question, we must lay this out

of account, and look at the differences in the circumstances of the two cases. The first, and we think the most important, of these is to be found in the fact that, whereas in India the law was, so to speak, in a fluid state, being composed, in so far as it could be said to exist at all, of vague customs and usages, differing from time to time and village to village, the law in Ireland is only too plain. Most people are now agreed that, whatever may have been the policy of the permanent settlement, it was enacted in profound ignorance of native customs, habits, and laws—in so far as laws in the strict sense of the word can be said to have existed in a country so much disorganized by foreign conquest and civil wars. The laws of Ireland, on the other hand, are perfectly well known. Perhaps one of the best descriptions which can be given of that sort of justice which people usually describe as fairness and equity, is, that it consists in seeing that men's reasonable expectations are not disappointed—a reasonable expectation being one which proceeds upon the assumption of steady adherence to established principles and modes of action, in so far as they affect individual interests. If, for instance, when a man took land at a given rent, he and his neighbors all understood, though they did not say it in so many words, that so long as he paid the rent he was to hold the land, he would reasonably feel himself aggrieved if he was afterwards dispossessed of it for the sake of higher rent; but what Irish tenant can say with truth than any such understanding existed between him and his landlord when they entered into that relation? To give the force of express law to tacit custom is comparatively easy; to throw into the shape of express rules fluid and shifting customs is for a strong government not impossible; but what can the legislature make of a state of things in which the custom of the landlord is to treat the land as

his absolute property, in which the custom of the tenant is to shoot him and his agents dead for so doing—especially when the law, properly so called, is distinctly upon the side of the landlord? This is the great leading feature of the Irish land question, and constitutes its principal difficulty.

“We see nothing in Indian legislation which affords much help for it; the difference is, that in India order has to be evolved out of chaos, whereas in Ireland two definite and conflicting views are struggling for the mastery, and one of these views has, beyond all possibility of question, the law in its favor. The legal right of an Irish landlord to evict all his tenants on six months’ notice, and to put into his own pocket, in the shape of rent, every farthing of the increased value of the land, whatever cause may have produced that increase, is as indisputable as his legal right to walk down the Strand. The determination of the Irish peasantry in many parts of Ireland to resist the enforcement of those legal rights by assassination, is as clear as the determination of the English people to resist invasion. This is the real difficulty of the case, and we do not see how Indian legislation shows us the way out of it.

“If, however, we suppose that parliament should determine to enforce a compromise, much might be learnt from Indian legislation as to the sort of terms that might be imposed upon parties. The conditions, for instance, under which rent might be raised at the expiration of a lease, the principle of giving the tenant a legal remedy against the raising of his rent under other circumstances, and the restraints laid upon the power of distress, are well worthy of consideration with reference to Ireland; but to give a right of permanent occupancy upon proof of twelve years’ tenancy; still more, to give a right of permanent occupancy at a fixed rent upon proof of

twenty years' tenancy, are proceedings of a very different character. They imply a degree of vagueness in the existing legal rights of the parties which, perhaps unfortunately, does not exist in Ireland. The subject, however, is one to which we hope to return."

This entire passage is well worth reproducing *in extenso*. The only point in which the writer seems at fault is that in which he confounds fact with right, as regards the "understanding" on which the helpless Irish tenant took his land. No alternative was left him, except taking it at the beck and on the terms of the landlord. Should this be so? Common sense, innate instinct, answers: "No." Therefore, such an "understanding" should be treated by the legislature *quasi non esset*; or rather as a thing absolutely immoral in itself.

The following, from the *Irish Times* of the 30th July last, will be found no less interesting and instructive:—

"The permanent settlement of the land revenue," it says, "is the Indian way of expressing what we call in Ireland the permanent settlement of the *land question*. The report states that this settlement is making satisfactory progress in all directions: 'Nothing will be wanting on the part of the government of these (the north-west) provinces, and of its several settlement officers, to carry out, legally and thoroughly, the principles laid down for their guidance. The completion of this great work, upon which the future progress and prosperity of these provinces mainly depend, is expected at an early date.'

"In the kingdom of Oudh, we are told, 'it was agreed on the part of the talookdars, *i.e.*, the landed gentry,' that a large class of the tenantry (estimated at one-fifth of the whole of the cultivators in Oudh) should receive rights of occupancy; and important advantages were afforded to other tenants of the same class. The compromise thus effected 'secured to the talookdars

ample rights, position, and privilege; whilst, by the timely concessions granted to the cultivators, the country was guarded against perils arising from the severance of the (peasant) proprietors and cultivators from all connection with the soil, or from liability to eviction as a class possessing no rights capable of definition or worthy of preservation at the hands of British authorities.'

"The perils here spoken of are not agrarian outrages, but a renewal of the rebellion which broke out in Oudh, in conjunction with the Sepoy mutiny of 1857. We trust that a Blue Book on Ireland, of a date not much later than 1871, will speak in equally hopeful terms of the settlement of the land question at home

"It is worth remarking that there was one grievance from which the Oudh cultivator was free. He did not suffer from an absentee talookdary. The wealth of the land he tilled was not drained from it to be squandered in Calcutta or in London.

"In the central provinces, we learn that 'the most important measure which has been brought about is the enlargement of the rules for the admission of peasant proprietorship.' The position of the ryots, or cultivators, is now secured 'on a footing unassailable by the proprietors of their villages.' In British Burmah, the estates, on the average, do not exceed eight or ten acres. The people generally have acquired a considerable amount of personal property. The small landed proprietors are independent and prosperous. The rate of wages for a common day laborer secures him a comfortable subsistence. Yet, among the Burmese there is no class that can be called wealthy. No Marquis of Westminster, for example, with a couple of thousand pounds a day to spend as he likes. Nor are there any zemindars or middlemen of any description, but government deals directly with the cultivator of the soil. So long as the

owner pays the rent fixed by the government valuation, his tenure is secure. Nor is any rent charged for such waste lands as he may have brought into cultivation.

"This system, it is commonly alleged, would be ruinous in Ireland; ruinous to the peasant, and wasteful to the imperial exchequer. In Burmah, we have seen it does not ruin the peasant, and with respect to the government, we are told that 'the revenue has been steadily increasing.' In Mysore, also, 'the actual income from land exceeded the budget estimates, and was more than that for 1865-6, a year remarkable for its financial prosperity. Similar are the accounts from Bombay, from the Nizam's dominions, from Madras and other provinces. They speak of increased cultivation, increased comfort, and, to the government, increased revenue, and all these effects are ascribed to the progress of the settlement of the land revenue—the essential features of that settlement being security of tenure and limitation of rent to the cultivator."

"The position of the ryots, or cultivators, is now secured on a footing unassailable by the proprietors of their villages." There it is in a nutshell. And, as a consequence, "the small landed proprietors of estates of from ten to twelve acres" "are independent and prosperous." Are we ever to have such a blissful consummation in Ireland, or is the mischievous and outrageous sentiment uttered by Lord Clanrickarde lately in the House of Lords, ever to prevail? "If," said the noble lord, "an occupier obtained a parliamentary title to a lease under the name of fixity of tenure, he would practically become the owner. . . . As to giving occupiers, by act of parliament, leases for twenty-one, thirty-one, or sixty-one years, this would virtually be conferring on them the ownership of the soil. It would, moreover, be a despotism hitherto unknown in any

country, to insist that an occupier should continue in his occupation for a considerable number of years." Which to admire the more in this utterance—the arrogant assumption of a natural right to exclusive ownership on the part of "large proprietors" (whom he deems a kind of divine institution), or the claim put forward in favor of the "despotism" of the few over the many, or the not very creditable ignorance of the agrarian condition and landed tenure of other countries, it is not easy to say. At all events, the cool expression of such a sentiment, in the wane of the nineteenth century of human redemption, by a man professing the divine creed of Him who was "meek and humble of heart," who came not merely to redeem, but also to teach lessons of charity and benevolence above all other virtues, is a warning to the friends of the tenant-at-will to buckle on their armor in time, and prepare for a determined conflict. We ask no more in Ireland than is actually conceded in Oudh and Burmah. And who will say that the Irish tenant is not entitled to as much justice and protection as the Indian ryot and talookdar? And will it be recorded that what colonial governors were able to accomplish for the semi-civilized Indian, the imperial legislature is impotent to effect for the sensitive and spiritualized Irish tenant? If so, it, by the very admission, proclaims its inability, and, therefore, its non-title, to legislate for Ireland. On other grounds the title is weak enough—founded, as it has been, in the words of O'Connell, "in the combined operations of force, fraud, corruption, and torture," and conducted on the identical principles, to which have been superadded, up to the last session of parliament, a supreme disregard and contempt of the opinions, wants, wishes, and interests of this country. Let us have an Indian land code in Ireland, and the Irish land question is finally settled.

CHAPTER X.

AMERICA.—CANADA.—THE CAPE, ETC.

“If,” writes Mr. Tuke, “lands in Mayo were made as secure to the farmer as they are on the banks of the Mississippi, I see no reason why they should not be ‘settled’ and cultivated by the men who are now crossing the Atlantic (and some carrying their capital with them) to extend the cultivation and increase the resources of the United States.”* And this freedom of the land is explained by Mr. Mill as cultivator-proprietorship. “I lay no stress,” says he, “on the condition of North America, where, as is well known, the land, wherever free from the curse of slavery, is almost universally owned by the same person who holds the plough. A country combining the natural fertility of America with the knowledge and arts of modern Europe is so peculiarly circumstanced, that scarcely anything, except insecurity of property, or a tyrannical government, could materially impair the prosperity of the industrious classes”—the two very causes, combined, that have ruined the “industrious classes” of Ireland.

CANADA.

In Canada—now “the kingdom of”—property and occupancy of the soil by the same individual are the rule.

* “Visit to Connaught in 1847,” quoted by Mr. Poulett Scrope, in his “Irish Relief Measures, Past and Future.”

No doubt, for half a century after its "conquest" by England, the odious feudalism of the "mother country" extensively prevailed. "Land speculators," "camp settlers," and "Indian traders," had succeeded in almost engrossing the lands of better quality, as they had all the emolumentary offices in the state. "This family connection," says McKenzie, "rules Upper Canada according to its own pleasure, and has no efficient check from England to guard the people against its acts of tyranny and oppression. It includes the whole of the judges of the supreme, civil, and criminal tribunals—all active Tory politicians. . . . It includes half the Executive Council, or provincial cabinet.

"It includes the Speaker and eight other members of the Legislative Council.

"It includes the persons who have the control of the Canada Company's monopoly.

"It includes the president and solicitor of the bank, and above half the bank directors, together with shareholders, &c."*

The land followed the fate of the public offices, and, "like the wooden leg," "ran in the family." Thus, we find Mr. W. B. Felton, with his eight children, one son and seven daughters, granted 23,541 acres of the best ground in Lower Canada,—little Missie Octavia being only an infant when she obtained 1,200 acres, and each of her brothers and sisters the same amount. "The Tenures Act," making tenure as insecure as in Ireland to the feeble classes, was in full force. The British-American Land Company secured for itself a monopoly destructive of the best interests of the colony. The colonists and new settlers remonstrated, petitioned, refused to consume excisable articles, put a premium on

* "Sketches of U. Canada," p. 409.

smuggling, honored the trade by carrying in public procession kegs of smuggled brandy and chests of contraband tea, in the teeth of the revenue articles, and ultimately broke out into open insurrection thirty years ago, and thus secured the double boon—dearest of all human benefits to man—of possession of their own soil and self-legislation.

Ireland is to-day where Canada was thirty years ago.
How long is she so to be?

In fact, the English victors adopted precisely the same course with the French habitans that their fathers and brothers pursued in Ireland and India, and which their fellow-countrymen are vainly endeavoring to carry out in New Zealand to-day. There were no Earls Granville in those countries to reprobate the system of confiscating land taken from the natives, or stating that it "has always been regarded by the home government as pregnant with danger;" and even if there were, there would be found Messrs. Sewell, ex-officials among the Maories, to call his lordship to task, and remind him of a correction of the Duke of Newcastle, in 1863, to the effect that "if the present dangers of New Zealand are really attributable, as his lordship suggests, to the adoption of a policy of confiscation, the responsibility of that policy rests with the home government, not with the colony."* But it is an affair of minor consideration where the responsibility rests. No matter where the Irish, the Indians, and the Maories have suffered, "Quidquid deliriant reges plectuntur Achivi."

The Canadians, like all other men who have a stake in the land, are peculiarly attached to the soil. "In Canada," writes Alison, "local attachment operates among the habitans of French descent with such force,

* *Evening Post*, Dublin, 13th October, 1869.

very mitigated way in these countries, is the tiller of the soil abandoned to the caprices and passion of a heartless master. In Ireland, for the most part, this master is the spawn of a foreign intruder and spoliator, having no one sympathy in common with his agrarian serf. In other cases he is merely a money-making speculator—a mere “land jobber”—who wrings all he can out of the vitals of his slaves; the exceptions of just, considerate, and charitable owners being

“*Pauci nantes in gurgite vasto*”

—a few floating in the spreading gulf.

In England there are counter checks to the want of leases or lengthened tenures. First, there are several other sources of industry to which an evicted family can at once turn itself. Next, there is a healthy, national, powerful opinion hostile to eviction; and, lastly, the landlord it is, and not the tenant, who makes all the improvements, from the drain in the field, the stile in the wall, to the piggery in the yard, and the dwelling house. He is, therefore, sure not to evict a solvent tenant without reasons sufficient to satisfy the public opinion of his country. Not so in Ireland. Regardless of mere Irish opinion, and hitherto rather sustained than censured by the public opinion of England, the un-Irish landlord has been allowed to run a course of devastation, never surpassed, hardly ever paralleled. He has been permitted—empowered by law—to evict, in the words of the great Bishop of Orleans, “for a good reason, and for a bad reason, and for no reason at all.” (“*On evince donc pour des raisons politiques; on evince pour des raisons économiques de toute sorte; on evince pour des raisons religieuses de toute sorte; on evince sans raison. Sans doute la loi depuis la guerre de l’Independence Ameri-*”)

caine, n' impose plus aux landlords l' obligation formelle d' opprimer les tenanciers ; mais elle les laisse complètement a leur merci.")*

Henceforth, let us determine that, at least, in future the landlords must not be permitted to evict from religious or other motives, nor without good and substantial cause.

* Discours prononce par Mgr. L'Eveque D'Orleans en faveur des pauvres Catholiques d'Irlande, a Paris, dans L'Eglise de S. Roch 25 Mars. 1861.

CHAPTER XI.

ENGLAND IN THE FIFTEENTH, SIXTEENTH, AND SEVENTEENTH CENTURIES.

"It appeareth by the statute, 4th Hen. IV. c. 2, that *depopulatores agrorum* were great offenders by the ancient law. They are called *depopulatores agrorum*, for that, by prostrating or decaying of the houses of habitation of the king's people, they depopulate, that is, dispeople the towna."—*Coke: Poulter's Case*, ii. rep. 29, b.

HEREIN is expressed the fundamental idea of the English common law regarding the occupation and cultivation of the land. Both the monarch, exercising all his early absolute control, and the legislature, by several special enactments, for the space of over two centuries, exerted themselves to the utmost in arresting the plague of depopulation, which set in, with more than its usual destructive force, shortly after the accession of Henry VII. During the protracted "Wars of the Roses," it was partly the policy of all the landowners to encourage population in their estates—thus enhancing their own importance. To this end they let the land to as many and in as minute divisions as could support the population. Had it been otherwise, had the hatchet and the crowbar come to supplement the work of the musket, the spear, and the sword, the internecine conflict had been previously decided. Population—the real wealth of every nation—was encouraged, for the double purpose of extracting sufficient food from the earth, and of fighting

the battles of both sides. Hence Coke, no mean authority, tells us that "the common law gives arable land the precedence and pre-eminency over meadows, pastures, ruins, *and all* other grounds whatsoever," and that *averia carucae*, beasts of plough, have, in some instances, more privileges than other cattle have.* By positive statute they were liable to distress only when all other chattels failed.† Jacob, Tomlin's, and Cunningham's Law Dictionary lays down that: "So careful is our law to preserve it (tillage), that a bond or restriction to restrain tillage or sowing of land is void."‡ "At common law no man could be prohibited from working in any lawful trade, for the law abhors idleness, the mother of all evils."§ I pray our drones of Irish landlords, whose daily work is to eat, drink, smoke, and pocket rent, to ponder on this. And it appears in 2nd Henry V. that a dyer was bound that he should not use the dyer's craft for two years, and then Hale held that "the bond was against the common law, and, by G—d, if the plaintiff was here, he should go to prison until he paid a fine to the king; and so, for the same reasons, *if an husbandman is bound* that he shall not sow his land, the bond is against the common law."||

"Depopulation," says Cowel's "Interpreter," "is now the apparent effect of enclosing lordships and manors, by which means several good, old, populous villages have been reduced from a great number of sufficient farms to a few cottages."¶

Coke applies the law of 37th Henry VI., 46,** in

* 4 Rep., 39.

† 51 Henry III., de Distractione Scaccarii, and 28 Ed. I., c. 12.

‡ II. Rep., 53.

§ *Ibid.*

|| Ipswich Tailor's Case, ii. Rep., 53.

¶ Depopulation.

** Plou. Com., in Nicol's Case.

reference to the breaking down of highways and bridges, *a portion* to the case of depopulation, as being “not only in prejudice of the king, but in damage of the subject.” “The same law,” says he, “applies, and *a multo fortiori*, in the case of depopulation, for this is not only an offence against the king, but against all the realm : for by this all the realm is infeebled ; idle and dissolute people, which are enemies to the commonwealth, abound ; *and for this cause, depopulation and diminution of subjects is a greater nuisance and offence to the real public, than the hindrance of subjects in their good and easy passage by any bridge or highway ; and for this, notwithstanding the pardon of the king, he shall be bound to re-edify the houses of husbandry which he hath depopulated ; but, peradventure, for the time before the pardon he will not be fined, but, for the time after, he shall, without doubt, be fined and imprisoned, for the offence itself cannot be pardoned, as in case of a bridge and highway, QUIA MALUM IN SE !*”—“*because it is an evil in itself*” ! ! ! * Thus did Coke apply the law of 37th Henry VI. about highways and bridges to “the case of depopulation.”

From the foregoing we can easily glean how zealously agricultural pursuits were encouraged, and obstructions to them, on the part of the land-sharks of the day, made liable to the severest penalties, even while the kingdom was yet rent asunder by the deadly and ever-recurring conflict between the great contending houses of Lancaster and York.

However, lust of land was even then gradually making its fatal inroads on the wise provisions of the common law ; and to such a pitch had the evil extended itself, in the very middle of the fifteenth century, that we find John Rous, the “celebrated monk and antiquary of War-

wick, and author of a History of the Kings of England, presenting a petition to parliament, in 1450, against the system of depopulation, even then extensively practised. Within twelve miles of his town of Warwick, he tells of no less than sixty-five other towns or hamlets reduced to ruin; and while he bewails the calamities thence likely to accrue to the country, he invokes the vengeance of God on ‘the *basilisks*, whose devouring eyes consume all they fall upon,’ and who, as ‘destroyers of towns,’ are more culpable than thieves, whom the law condemns to be hanged.” He quotes stringent passages from the civil law against depopulation, and from the canon law shows that only to two classes of malefactors does the Church deny the right of sanctuary, and benefit of clergy*—PUBLIC ROBBERS, and devastators of lands and highways. “*Scilicet latronem publicum et devastatorem agrorum et viarum.*”†

But it would appear that it was not alone while living that the Church visited them with her censure; it pursued them after death, and condemned them to exclusion from Christian burial; inasmuch as, having withdrawn themselves from the society of men during life by the destruction of dwellings, they were unworthy of communion with them after death, and only fit for other society, as follows: “You oppressors of the poor,” he cries out, “you destroyers of towns, who unjustly possess the lands of free tenants, driving them from the hereditary seats of their fathers, grandfathers, great-grand-fathers, and great-great-grand-fathers, and exposing them to beggary, theft, and other miseries; the world hates you for this—God and all the host of heaven detest your infamous society, and the devil only, with his satellites, can with pleasure admit you into his company.”‡

* Poulter’s case, ii., rep. 29.

† History, p. 83, &c.

‡ *Ibid.*, p. 95.

He applies to them all the Scriptural denunciations of the oppressors of the poor, and predicts for them the fate of Naboth, Achab, and the like, and narrates certain instances of signal chastisement on the depopulator's crime.

Quoting from the *Institutes* and *Decretals*, he preceded Sadleir, and Kay, and Thornton, and Mill, by four hundred years, in demonstrating that depopulation was opposed to every principle of sound policy in a state—which should ever consider the greatest good of the greatest number, and not sacrifice that to the selfish interests of a few—as it was to all the dictates of humanity and charity, and to the blessing of God himself, conveyed in the words: "Increase and multiply and replenish the earth."

It would appear, however, that, then as now, the flip-pant fallacy, "a man can do what he likes with his own," was the only answer to the arguments and intreaties of the benevolent monk, and this he demolishes by replying that a man cannot justly intoxicate himself with his own wine, or cut his throat with his own knife, and so, likewise, neither can he use his own land to the detriment of the many and of the public; he says they are more dangerous than madmen, who are carefully deprived of weapons of destruction; and that, as certain games are forbidden by law, so should the mischievous game of depopulation. In fact, he calls the depopulators outlaws, to perish as such, quoting St. Paul to the Romans, "He who lives without the law shall perish without the law." Finally, he calls upon the king to interpose for the rescue of his subjects, and thus, with God's blessing, merit the good will of man here, and an eternal reward hereafter.*

The natural results of such excesses were repeated risings in several parts of the kingdom—risings, by the way, suppressed in their earlier stages with mildness, and

* *Ibid.*, pp. 113, 137.

palliated as follows by Fortescue, Chancellor of England : " Nothing may make the people rise but lacke of goods or lacke of justice ; but yet, certainly, when they lacke goods they will arise, saying they lacke justice ; nevertheless, if they be not poor they will never arise, but if their prince so leve justice that he gyve himself al to tyrannye."* The legislature had, therefore, to interpose, though the provisions of the common law were—as they seem to be in this country to-day, if enforced—quite adequate to the emergency, if only honestly administered by local magistrates ; but these gentlemen being themselves in many cases pre-eminent among the misdemeanants, the law became a dead letter, and depopulation, beggary, thievery, agrarian risings, with the constant occupation of the hangman, continued as the natural result.

The evil became doubly aggravated on the termination of the " Wars of the Roses " at the accession of Henry VII. The old " masters " only scourged with iron ; the new patentees of forfeited estates began to scourge with scorpions. After all, in a great many cases between the former owners and occupiers of the soil—(I confess I dislike that phrase " owner of the soil. " The person who usurps that title is in reality only trustee for the public weal, and may, for the public weal, by public authority, be stripped of his trust when he neglects or abuses it to the detriment of the public)—there existed more or less of mutual friendly feeling and sympathy of *quasi* clanship. Now, however, a great deal of that was changed. Like the Elizabethian and Cromwellian settlers in Ireland, and the land jobbers of this day, the Lancastrian intruders looked upon the tenants they found in the soil only as so much chattel, without the smallest interest or right as men ; besides, during the wars a nobleman's or other proprietor's influence depended not a little on

* " Absolute and Limited Monarchy," c. 12.

the number of armed retainers he could marshal under his banner on field or muster day. These joint considerations tended not a little to check the otherwise insatiate land-thirst which threatened to dry up the country. Now, however, all restraints and all motives for restraint had vanished in the field of Bosworth, and depopulation was becoming the order of the day. The legislature at length interposes, and the 4th Henry VII. declares the system of depopulation subversive of the policy and good government of the realm, for, "by these enormyties and mysschefes the king's pease is broken, his subjects disquieted and impoverished, the husbondre of the londe decayed; whereby the Churche of England is upholden, the Service of God continued, every man hath sustenance, and every inheritor his rent for his londe;" it then passes censure on the magistrates, as the people "were litell eased of the said myschefes by said justices, but by many of them rather hurt than helped."

This was not the first statute against depopulation. As we have seen, the 4th Hen. IV. was no less express, although it extended benefit of clergy to clergymen, themselves guilty of the "felonious act." And we cannot but contrast the palliating tone in which great Englishmen referred to the excesses of the people of England in "breaking the king's pease," with the fire-and-brimstone denunciations of any the slightest violence or "outrage," as it is called, attempted now-a-days against the heartless depopulator!

The statute of Henry VII., after complaining that the Isle of Wight had been depopulated, towns and villages let down, lands enclosed for cattle, and many dwellings and farms monopolized by one occupier, while "of old tyme they were wont to be in many and several persons' holdes and handes, and many several householdes kept in them, and thereby moch people multiplied, and the

same isle thereby well inhabited, the which now, by the occasion aforesaid, is desolate and not inhabited, but occupied with *bestes and catal*, so that if hasty remedy be not provided, *that isle cannot be long kepte and defended*, but open to the handes of king's ennemyes ;” and consequently that in future “the ferme of them alto-gidre” should not exceed ten merces ; that whosoever held more, should, before Michaelmas, 1490, select which to retain, “THE REMENANT TO CEASE, and be utterly void,” the occupier to be discharged of the rent, but entitled to compensation for repairs and buildings, “as right and good conscience requiren.”

Hear ye that, ye “sacred rights of property” declaimers ! Just 380 years ago, an English parliament proscribing strict limits to “holdes and fermes,” and “confiscating” the remainder, for the public weal !!! As in time, so in wisdom was it 380 years in advance of its progeny of 1869. Perhaps, however, not—the ides of March are not yet over.

Another act of the same session complains that “great inconveniences daily doth encrease by desolacion, and pulling down, and wilful waste of houses and townes within this realme, and leyeng to pasture landes which custumabely have been used in tylthe, whereby ydleness, groundes and beginning of all myschaefs, dayly doth encrease ; for where in some townes two hundred persones were occupied and lived by their lawful labours, nowe be there occupied two or three herdmen, and the residue fall in ydleness ; the husbandrie, which is one of the greatest commodities of this realme, is gretly decaied, churches destroyed, the service of God withdrawn, the bodies there buried not praied for, the patrones and curates wronged, the defence of this land ageyn owre ennemyes outwarde feebled and impaired ;” and then prescribes that persons having, within the three years

previous, twenty acres, or more, of land let in tillage, should keep "houses and buildings upon the seid ground, and lond necessary for mayntenynge and upholdynge of the said tillage and husbandrie," on the penalty of forfeiting half the profits of the farm to the king, or next owner in fee.

Nor was this any innovation, or anything more than a statutable declaration of the common law, such as we have seen.

Lord Bacon, who designates the act as "profound and admirable," thus describes its effects: "By this means the houses being kept up, did of necessity enforce a dweller, and the preparation of land for occupation being kept up, did of necessity enforce that dweller not to be a beggar or cottager, but a man of some substance, that might keep hinds and servants, and set the plough on going. This did wonderfully concern the might and mannerhood of the kingdom, to have farms as it were of a standard sufficient to maintain an able body out of penury, and did, in effect, amortise a great part of the lands of the kingdom into the hold and occupation of the yeomanry, or middle people of condition between gentlemen and cottagers, or peasants."* Recurring to the subject elsewhere, he applauds "as a master-stroke of policy" the maintaining of houses of husbandry, as provided by the statutes, "with such proportion of land unto them as may breed a subject to live in convenient plenty, and to keep the plough *in the hands of the owners*, or at least usufructuary, and not hirelings and mercenaries, and thus a country shall merit that character whereby Virgil expresses ancient Italy, ever recurring to the same idea:—

" 'Terra potens, armis, atque ubere gleba.'†

* "Life of Henry VII.," pp. 63, 64.

† See Preface to vol. iii. of his works, by Basil Montagu.

Depopulation, however, went on apace, so that parliament had again to interpose ; and in the reign of Henry VIII. two special acts, one temporary, or for a limited period,* the other permanent,† were passed against “enclosures,” and consequent depopulation, “whereby idleness doth increase ; for where in some towns cc. persons, men, women, and children, and their ancestours out of tyme of mynde, were dayly occupied and lyved by sowing it of corne and graynes, feedyng of catall, and other encrease necessarye for many’s sustenance, and now the said persons and their progenyes be mynyshed and decreasyd, whereby the husbandrye, which is the greatest commoditie of this realme for sustenance of man, ys greatly decayed, churches destroyed, cities, market townes, brought to great ruin and decaye ; necessities for many’s sustenance made scarce and dere ; the people sore mynyshed in this realme, whereby the powre and defence thereof is febled and empayred, to the displeasure of God and against his laws, and to the subversion of the common weale of this realme, and the desolation of the same.” And it then orders that the owners of houses or hamlets “occupied to tillage and husbandry,” that should, thenceforth, and after the first day of parliament, be suffered to fall into decay, should restore them at their own cost, so as to be “mete and convenient for people to dwelle and inhabite in the same ;” and that all tillage lands “enclosed and turned into pasture,” within the same date, should be restored to tillage under pain of forfeiture of half the produce to the next lord of the fee, or, in case he neglected to enforce the law, “to the next immediate lord above them.”

But these “lords in fee” proving, like their Irish fellows of the nineteenth century, worse than neglectful of the duty

* 6th Henry VIII., c. 5.

† 7th Henry VIII., c. 6.

imposed on them, in twenty years after the half produce forfeited by law was transferred from them to the crown. A limit was also put to the number of sheep and farms, 2,000 of the one, and two of the other, "unless he be dwellyng within the parishes where such holdings be."

The following preamble is well worth attention—the attention of the land sharks of Ireland of the present day: "For as moche as dyvers and sundry persons of the kynge's subjectes of this realme, to whom God of hys goodness hath *disposed greate plentie and abundance of morable substance, nowe of late within fewe years have dayly studyed, practised, and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of fermes, as great plenty of catall, and, in especial, shepe, putting such landes as they can get to pasture and not to tillage, whereby they have not only pulled down churches and townes, and inhansed the old rates of the rentes of the possessions of the realme, or else brought it to such excessive fines* that no poure man is able to medell with it, but also have raysed and inhansed the prises of all manner of corne, catall, woll, pigges, geese, hennes, chekynes, eggs, and such other, almost double above the prises which have been accustomed; by reason whereof *a mervaylous multitude and nombre of the people of this realme be not able to provide meate, drynke, and clothes necessary for themselves, their wyves, and children, but be so discouraged with misery and povertie that they fall dayly to thefte, robberie, or other inconvenience, or pitifully die for hunger and colde.* And, as it is thought by the kynge's most humble and loving subjects, that one of the greatest occasions that moveth and provoketh these greedy and covetous people so to accumulate and keep in their hands suche greate portions and parties of the grounds and landes of this realme from the occupying of the poure husbandman, *and so to use it in pasture and not in tillage, is*

only the great profette that commyth of shepe, which now be commyn to a few persons' handes of this realme, in respecte of the holle number of the kynge's subjectes, that some have **xxiiii** thousand, some **xx** thousand, some **x** thousand, some **vi** thousand, some **v** thousand, and some more, and some less, by the which a good shepe vytall that was accustomed to be solde for **iis. iiid.** or **iiis.** at the moste, is now solde for **vis.**, or **vs.**, or **iiis.** at leaste," and, in consequence, the extent of farms and the number of sheep in each one's hands were limited as above. It was a desperate remedy, but not less so was the disease; and so the English legislature of 350 years ago, acting on the evident maxim that the duty of government is to seek the greater good of the greater number, hesitated not to prescribe such limits to consolidation and sheep-walking as the emergency required. Such interposition with "the rights of property" in Ireland at this day would be branded as "robbery, socialism, and confiscation."

But the consolidators found means, in most instances, to evade the law; some even by bribing Wolsey to grant them licenses to continue the enclosures.* Then came the suppression of the monasteries, the alienation and confiscation of their lands, the eviction of their tenants, and the conversion of their lands to pasture, though the statute (27th Hen. VIII., c. 28) provided that the new owners of the monastic property should keep as much of the land in tillage as had been so kept within the twenty preceding years.

The result of both these causes combined—the confiscation of the abbey lands with the onward march of consolidation—was soon such as might be foreseen. England became a nation of beggars, robbers, and thieves, so much so, that, before Henry's death, and

* "Hollingshed," vol. ii. 862.

during his reign, 72,000 victims of consolidation were hanged as thieves, twenty being often dangling at once from the same gallows tree.* Strype thus pictures the fearful pass to which the covetousness of the rich had, during this reign, reduced the masses of the people:—

“Both the gentry and the clergy,” writes he, “grew extremely covetous. As for the lay sort, they fell to raising their old rents, turned their arable land into pasture for grazing sheep, and enclosed commons, to the great oppression of the poor.” (One would fancy he was talking of the National Building and Land Investment Company—“raising rents, enclosing commons,” &c.) “This may be best understood,” continues he, “by reading what one writes who lived in those days. ‘How do the rich men, and, especially, such as the sheep mongers, oppress the king’s liege people *by devouring their common pasture with their sheep*, so that the poor are not able to keep a cow for the comfort of them and of their poor families, but are like to starve and perish for hunger if there be not provision made shortly. What sheep-ground scapeth these caterpillars of the commonwealth? How swarm they with abundance of flocks and sheep? If these sheepmongers go forth as they begin, the people shall both miserably die for cold, and wretchedly perish for hunger. . . . Rich men were never so much estranged from all pity and compassion towards poor people as they be at this present time.’ (Swift said of those of his day that they had not ‘one degree of mercy.’) ‘They devour the people as it were a morsel of bread. *If any piece of ground delight their eye, they must needs have it, either by hook or by crook.* If the poor man will not satisfy their covetous desires, he is sure to be molested, troubled, and disquieted, or such sort, that

* Fortescue, “De land leg. Angl.”

whether he will or not (though both he, the careful wife, and miserable children perish for hunger), he shall forego it, or else it were as good for him to live among the furies of hell as to dwell by those rich carlls and covetous churls.' This writer," continues Strype, "proceeds to say, that, by the depopulating system, whole towns became desolate, and like to a wilderness traversed only by a shepherd and his dog, and that he himself knew 'many towns and villages sore decayed, so that whereas in time past there were in some towns an hundred households, now there remained not thirty; in some fifty, there were not ten; yea, which was more to be lamented, some towns so wholly destroyed, that there was not stick nor stone standing, as they used to say, where many men had good livings and maintained hospitality, able at all times to help the king in his wars, and to sustain other charges; able also to help their poor neighbors, and to bring up their children in godly letters and good sciences; now sheep and coves devour altogether, no man inhabiting the foresaid places, so that those beasts which were bred of God for the nourishment of man, do now devour man.' Those 'greedy wolves and cumberous cormorants,' as he styles the sheepmasters and feeders of cattle, 'abhorred the names of monks, friars, canons, nuns, &c., but their goods they speedily griped; and yet, where the cloisters kept hospitality, let out their farms at a reasonable price, nourished schools, brought up youth in good letters, they did none of all these things'"—the character given by Alison of the Spanish monks. The same author also refers to a small production which appeared in 1546, called "A supplication of the poor commons," with "A petition of the beggars," addressed to the king, from which he quotes

* Strype, "Eccles. Memoirs," vol. i., pp. 60, &c.

as follows : “ Instead of these sturdy beggars (monks and friars) there is crept in a sturdy sort of extortioners ; those men cease not to oppress us, your highness’ poor commons, in such sort that many thousand of us, which herebefore lived honestly upon our sore labour and travail, bringing up our children in the exercise of honest labour, are now constrained—some to beg, some to borrow, some to rob and steal, to get food for us and our poor wives and children. And, what is most like to grow to inconvenience, we are constrained to suffer our children to spend the flower of their youth in idleness, bringing them up, other to bear wallets, other else, if they be sturdy, to stuff prisons and garnish gallows trees. For such of us as have no professions left to us by our predecessors and elders departed this life, *can now get no tenement or cottage at these men’s hands, without we pay unto them more than WE ARE ABLE to make.* Yea, *this was tolerable so long as, after this extreme exaction, we were not for the residue of our years oppressed with much greater rents than hath of ancient times been paid for the same grounds.* For then a man might, *within a few years,* be able to recover the fine, and afterwards live honestly by his travail ; but now these *extortioners* have so improved their lands that they take, if 40s. fine, £40, and if 5 nobles rent, £5. Yet, not sufficed with this oppression within their own inheritance, they buy, at your highness’ hand, such abbey lands as you appoint to be sold. *And when they stand once seized thereon, they make us, your poor commons, so in doubt of their threatenings,* that we dare do none other than bring into their courts our copies taken of the convents and of the late dissolved monasteries, and confirmed by your high court of parliament. They make us believe that, by virtue of your highness, all our former writings are void and of no effect, and that if we will not take new leases of them we must forthwith avoid

the grounds as having therein no interest.”* Just as the National Building and Land Investment Company “oppressed with much greater rents,” and “made believe that all former writings are void, and of no effect;” and thus made their serfs sign that series of “adroit papers” and degrading engagements revealed at the recent trial, “M’Culloch v. Knox,” in the Court of Queen’s Bench, Dublin. But our modern “oppressioners” and land-jobbers must get the prize in “adroitness.” For, while the olden tribe, on obtaining the surrender of the former leases, got the tenants “to take by indenture for twenty-one years, covering both fines and rents beyond all reason and conscience,” the company referred to first extort possession, and then reduce the tenant-at-will that was to the wretched condition of a caretaker, in which, as such, he has, in the words of the Lord Chief Justice Whiteside, “no right whatsoever.”†

Having stated their case, the “petitioners” and “beggars” thus appeal to the king: “Help, merciful prince, in this extremity. . . . Employ your study to leave him (the young prince) a common weal to govern, and not an island of brute beasts (a “fruitful mother of flocks and herds”), among whom the strongest devour the weaker. If you suffer Christ’s poor members to be thus oppressed, look for none other than the rightful judgment of God, for your negligence in your office and ministry. For the blood of all them that, through your negligence, shall perish, shall be required at your hands. . . : Endanger not your soul, by the suffering your poor commons to be brought all to the name of *beggars* and most miserable wretches. . . . Prevent the subtle imaginations of them

* Strype’s “Ecc. Memoirs,” vol. i., pp. 60, &c.

† Trial of M’Culloch v. Knox, Appendix.

that gaily look after the crown of these realms after your days. For what greater hope can they have, as concerning that detestable imagination, *than that they might win the hearts of us from the captivity and misery that we are in.*" *

Have these words any application in Ireland to-day? Would the Irish "beggar" even pronounce "detestable" the "imagination" referred to above? And if not, is not the minister of the hour bound to ask why? And, should he discover that the rude exercise of territorial power, the system of rack-renting, tenancy-at-will, eviction, browbeating, consolidating, has had no small share in fostering "imaginings" of the sort, is it not his duty to at once apply the remedy, and at length play the Stein and Hardenberg in this country? The crisis is fast approaching. The "poor commons" of Ireland are now sending forth the same prayer for justice, so long denied, that those of England did over three hundred years ago. A few months will tell whether "the petition of the poor commons" shall be treated like all its predecessors, and full, free scope still permitted to the Irish angel of destruction—the "extortioner," rack-renting, exterminating, no-security-giving, and, the worst of all, "land-jobbing" landlord.

* Strype, *ibid.*, pp. 615-18.

CHAPTER XII.

"When property was first instituted, the institution was not intended to operate to the destruction of any; therefore, when such consequences would follow, all regard to property is superseded."

"The introduction of property was consented to by mankind upon the expectation and condition that there should be left to every one a sufficiency for his subsistence, or the means of procuring it. And, therefore, when the partition of property is rigidly maintained against the claims of indigence and distress, it is maintained in opposition to the intention of those who made it, and of Him who is the supreme proprietor of everything, and who has filled the earth with plenteousness for the sustentation and comfort of all whom He has sent into it."—*Paley's "Moral Philos.,"* b. II., c. XI., b. V., c. III.

EDWARD was not appealed to in vain. What with public sermons in his royal presence, public pamphlets by his favored divines, public royal proclamations, and public commissions of his judges, he, to some extent, mitigated, though he failed to arrest, the growing evil. The "graziers" continued to "consolidate," the "cleared off" continued to rise, and the sword and the halter continued their familiar employments of the preceding reign. Like the Irish peasant of the present day, the unfortunate English outcasts of these times "had a wonderful hate against gentlemen, and took them all as their enemies."* And thus, as with us now, did the good come in for the odium and violence provoked by the bad.

"But," says Edward himself, "most part of true

* Letter of the Protector to Sir P. Hoby, Strype, "Ecc. Mem." v. ii., part 2, p. 425.

gentlemen (I mean not those farming gentlemen and clocking knights) have little or nothing increased their rents. The state of landed men is ill looked to; for that estate of gentlemen and noblemen which is truly to be termed the estate of nobles hath alonely not increased the gain of living," while "the husbandmen and farmers take their ground at a small rent, and dwell not on it, but let it to poor men for triple the rent they take it for. . . . The farmer will have ten farms, some twenty, and will be pedlar merchant."* The same system of middlemanism that generated Whiteboyism, and contributed so largely to "garnish the gallows tree" in this country towards the close of the last century, and in part of this—the same system of land-jobbing that has, in many instances, doubled the rents in Ireland, and left landlords and agents low, within the last twenty years.

Might not the following language of Latimer be spoken from any pulpit in this country to-day? "Restore them sufficient unto them, and search no more the cause of rebellion. Fear not these giants of England—these great men, and men of power. Fear them not; but strike at the root of all evil, which is covetousness. . . . I fully certify you, *extortioners, violent oppressors*, engrossers of tenements and lands, through whose covetousness tenements decay and fall down, and the king's liege people, for lack of sustenance, are famished and decayed; they be those which speak against the honor of the king." And then he launches out as follows: "You landlords, you RENT-RAISERS, I may say, you STEP-LORDS, you unnatural lords, you have for your possessions yearly too much. Well, well, this one thing I will say unto you—from whence it cometh, I know, even from the

* Remains of Ed., *ibid.*, pp. 101-2.

devil." "Surveyors there be that greedily gorge up their covetous goods ; they make up their mouths, and the commons be utterly done by them ; whose bitter cry ascendeth up to the ears of the God of Sabaoth. The greedy pit of the hell-burning fire, without great repentance, doth tarry and look for them. A redress God grant : for surely, surely, but that two things do comfort me, I should despair of redress in these matters. One is that the king's majesty, when he cometh of age, will see a redress of these things so out of frame ; giving example by letting down his own lands first, and then enjoin his subjects to follow him. The second hope I have, is, I believe the general accounting day is at hand—the dreadful Day of Judgment, I mean—which shall make an end of all these calamities and miseries ; a dreadful, horrible day for them that decline from God, to whom, as it is written in the twenty-fifth Matthew, is said, 'Go, ye cursed, into everlasting punishment, where there shall be wailing and gnashing of teeth.' " * I have no doubt but such of "RENT-RAISERS," &c., of his time as heard or read the words of the zealous and enthusiastic royal preacher, secretly laughed at his second "hope," and troubled themselves but little about his warnings of "the coming anger." Equally certain am I of the ridicule that would pursue the divine or other moralist who would attempt to move the hearts of our modern "step-lords" by any reference to the life to come. And so all Latimer's denunciations went for nought.

Similarly did Lever denounce, before the young king, the "taking of fines and heightening of rents." † And Bernard Gilpin, also, in a sermon in presence of his majesty, in 1553, complained that—"Now, the robberies, extortions, and *open oppressions* of covetous cormorants,

* Strype, *ib.*, vol. ii., pp. 133-5.

† *Ibid.*, p. 410.

have no end, nor limits, nor banks to keep in their vile-ness. *As for turning poor men out of their holds, they take it for no offence ; but say THE LAND IS THEIR OWN ; and so they turn them out of their shrouds like mice. . . .* O Lord ! what a number of such oppressors worse than Ahab, are in England, which sell the poor for a pair of shoes.* Of whom, if God should serve but three or four as he did Ahab, to make the dogs lap the blood of them, their wives, and posterity, I think it would cause a great number to beware of extortion, and yet, escaping temporal punishments, they are sure, by God's word, their blood is reserved for hell-hounds. England hath, of late, some terrible examples of God's wrath, in sudden and strange deaths, of such as join field to field, and house to house. Great pity they were not chronicled to the terror of others."† Thus, honest Bernard Gilpin brands as "robberies" these "extortions and open oppressions," practised by the "covetous cormorants" of his day ; nor do I find that he or his publisher were dragged into court for the phrases. He also reminds them of the tragic end of the tyrant Ahab, without being accused of suggesting murder ; while the use of the same terms, and similar illustrations, on my part, has entailed upon their manly publisher‡ the expense of a protracted litigation, and on me the imputations of excess in speech, and the suggestion of extreme personal violence towards the tyrants. To all appearance the advocate of the poor had more liberty of speech three hundred years ago than to-day—under Edward VI. than under Victoria I. After the suppression of the Cornwall insurrection, in 1548, we are informed, "that these insurrections might be prevented in future, occasioned in a great measure by the poverty and discontent that reigned in the country, by reason of

* *Amos*, ii.

† Strype, *ibid.*, pp. 135, &c.

‡ Major Knox of the *Irish Times*.

the decay of tillage *and the enclosing of land for pasturage.*" "A commission was granted to inquire into these abuses, and on the 1st June there went out *a notable proclamation* against enclosures, letting houses fall to decay, and *unlawful* converting of arable land into pastures." In this proclamation the king and council are represented as "advertised," "as well by divers supplications and pitiful complaints of the king's poor subjects, as also by other wise and discreet men, having care of the good order of the realm, that of late, by the enclosing of lands and arable grounds in divers and sundry places of the realm, many had been driven to extreme poverty, *and compelled to leave the places where they were born, and seek their beings in other countries* with great misery and poverty, insomuch, as in past times, where ten, twenty, yea, in some places, one hundred or two hundred Christian people have been inhabiting . . . *now there is nothing but sheep and bullocks*; all that land was tilled and occupied by so many men . . . is now gotten, by insatiable greediness of men, into one or two men's hands, and scarcely upon by one poor shepherd, so that the realm is thereby brought into marvellous desolation, houses decayed, parishes diminished, the force of the realm weakened, and Christian people, by the greedy covetousness of some men, eaten and devoured of brute beasts, and driven from their houses by sheep and bullocks."* The proclamation proceeds in this strain, every word of which might be taken to apply to Ireland every year these twenty-two years; but still no proclamation to prevent "depopulation," and the "bringing arable ground into pasture" with us. On the contrary, the inhuman, and no less inhuman than impolitic, process of "clearing" Ireland has been conducted with the full sanction of statute law, by its operation, and with the

* Strype, *ibid.*, p. 350.

approving patronage of our chief men in power. When a lord lieutenant publicly boasts, at a sheep and bullock show, that Ireland is destined to be (only) the fruitful mother of flocks and herds, what more does he mean but that "Christian people" (though mere Papists) should be "eaten and devoured of brute beasts, and driven from their houses by sheep and bullocks?"

In pursuance of the instructions conveyed in the commission accompanying the above proclamation, John Hales, one of the commissioners, after deploring "the wonderful diminution of the king's subjects, as those can well declare that confer the new books of musters with the old or with the chroniclers," and "that there should be so little charity among men," and "that one Englishman (Irishman now) should be set to destroy his countrymen," denounces the "unsatiably greedy" consolidators in the words of the prophet: "Wo be unto you that cannot be contented that other men should live with you, *but put men* from their livings, join house to house and field to field. What do you mean? Think ye to live alone in the midst of the earth? No, no, the people be mine, I have a care and respect for them; I will not suffer them to be devoured at your hands. . . . I am their defender; I am their ayder; and I will not suffer them to perish."*

Still, and ever in vain. "Insatiable covetousness" proved too stubborn to bend before royal proclamations and commissions, or the prophetic warnings of charity. Proclamation succeeded proclamation, sermon followed sermon, the press sent out book after book, yet "the insatiable greed of men" prevailed. "We are commanded," says one of the contemporary authors, "to love God above all things, and our neighbours as ourselves,

* Strype, *ibid.*

while we put them out of their houses, and lay their goods in the street. . . . Who, in these days, are such oppressors, such graziers (turning arable land to pasture), such shepherds (keeping sheep instead of ploughing, for setting poor men on work), *such enhancers of rents, such takers of incomes, as are those which profess the gospel. Would to God that, in these days, men would be as careful for their poor brethren as they are for their dogs.*"* Yes, while they were burning the Pope in effigy, for God and gospel's sake, they were starving their brethren to death, and at the same time pampering their dogs—for the sake of self.

Another author of the day, Robert Crowley, published "An information and petition against the oppressors of the poor commons of this realm." "A man of letters," says Strype, "and bred up in Oxford, an earnest professor of religion, and who, a year or two after this, received orders from Bishop Ridley."† He sets out with a profound maxim, which forms the keystone of the entire structure of landed possession, that the "possessioners" are not the lords or owners, but the stewards of the soil. "If the possessioners," says he, "would consider themselves to be but stuardes and not lordes over their possessions, this oppression would be soon redressed; but so long as this persuasion taketh in their minds—'*It is mine owne*; who shall warne me to do with myne owne as meselfe lysteth?'—it shall not be possible to have any redress at all." Words of profound wisdom, and prophetic of the language and only argument employed by the Irish "oppressors" of this very day. So far, indeed, do our modern scourges carry their notions of *altum dominium* over their "property," that they—many of them—deny the competency even of the

* Strype, ii., 226.

† *Ib.* ii., 217.

legislature, so much as to prescribe rules for its management. *Rights* alone they claim, *duty* they ignore.

But good Robert Crowley, the Protestant Levite, proceeds just in the same strain and the same line of argument adopted fifty years before him by John Rous, the good old monk of Warwick :—

“For if I may do with myne owne as me lysteth, then may I suffer my brother, his wife and his children, to lye in the strete, *except he will give me more rent for myne house than ever he shall be able to pay*; then may I take his goods for that he oweth me, and keep his body in prison, turning out his wife and children to perishe, if God will not move some man’s harte to pittie them, and yet keep my coffers full of gold and silver. IF THERE WERE NO GOD, *then would I think it lawful for men to use their possessions as they lyste*; or if God would not require an account of us for the bestowing of them, I would not greatly gainsay if they took their pleasure of them whylse they live here. But, *forasmuch as we have God*, and He hath declared unto us by the Scriptures that he hath made the possessioners but stuardes of his ryches, and that he will holde streight accompt with them for the occupying and bestowing of them, I think that no Christian ears can abide to hear that more than Turkish opinion. . . . Behold, you engrossers of fermes and tenements, the terrible threatenings of God, whose wrath you cannot escape.” How the engrossers must have laughed at his pious Christian warnings! But he proceeds: “The voice of the poor (whom you have, with money, thrust out of house and home) is well accepted in the ear of the Lord, and hath stirred up his wrath against you. . . . And doubt not ye, you lease-mongers, *that take groundes by lease to the extente, to let them again for double and tripple the rente, your part is in this plage*. For when you have multiplied your rentes to the highest, so that ye have made all

*your tenants poor slaves, to labour and toyle, and bring to you all that may be plowen and digged out of your groundes, then shall death suddenly strike you; then shall your conscience pricke you; then shall you think, with desperate Cain, that your sin is greater than that it may be forgiven. For your own conscience shall judge you worthy no mercy, because you have showed no mercy.”**

Here I must say the Christian, conscientious author seems to have labored under a very erroneous impression, and to have assumed, without grounds, that these monsters were capable of feeling any the smallest twitches of conscience. Rather, like Pharaoh, their heart was hardened, and their eyes blindfolded to the last, in very punishment of their unchristian obduracy in the paths of oppression. Talk, indeed, of a conscience in an Irish exterminator, or an Irish land-jobbing company of the present day!!

We may, however, peruse him a little longer: “The same measure that you have made to others, shall now be made to you. You have showed no mercy—how can you then look for mercy? . . . God hath not sette you to survey his lands, but to play the stuardes in his household of this world, and to see that your poor fellow-servants lack not their necessaries. . . And if any of them perish thorowe your default, knowe, then, for certaintye, that the blood of them shall be required at your hands. *If the impotent creatures perish for lack of necessaries, YOU ARE THE MURDERERS*; for you have their inheritance, and do not minister unto them.” A good many years ago, I, too, before I ever read this passage, arraigned the exterminators and consolidators of Ireland as “MURDERERS.”

“If the sturdy fall to stealing, robbing, and revering, then you are the causers thereof; for you dig in, inclose, and withhold from them the earth, out of which they should

* Strype, *ibid.*

dig and plough their living. For, as the Psalmist says, 'All the heaven is the Lord's, but as for the earth, he hath given it to the children of men.' . . . What a sea of mischifes hath flowed out of this more than Turkish tyrannie !" And he concludes : "If you let those things pass and regarde them not, be ye sure the Lord shall confound your wisdom. Invent, decree, establish, and authorize what you can, all shall come to nought. The ways that you shall invent to establish unitie and concord shall be the occasions of discord. The things whereby you shall think to win praise through all the world shall tourne to your utter shame, and the ways you shall invent to establish a kingdom shall be the utter subversion of the same." *

This, no doubt, is quaint language enough, but it is the language of nature. "If there were no God" !! "If" !!! indeed. Then might mankind "eat and drink to day, for to-morrow they were not." And yet do our Irish landlords—many of them—all Christians, many of my own creed—act the landlord, as "if there were no God," "oppressing the poor man, and the weak of heart, to put him to death." †

Preachers, pamphleteers, legislators, spoke, wrote, and made laws in vain. The *auri sacri fames* still prevailed. Enclosures continued the order of the day, and, as a natural consequence, the evicted tenantry rose *en masse* throughout the country, but only, as now-a-days in Ireland, to be put down "by the strong arm of the law." The "risings" in Cornwall, Norfolk, and Devon, cost the government £27,330 7s. 9d., with a frightful slaughter of the outraged people. Then, though not so bad as now, government began to unravel the web at the wrong end. Had it, instead of hecatombing the victims of

* Strype, *ibid.*

† Ps. cviii.

oppression, simply decimated the oppressors themselves, all this cost of blood and treasure had been spared. But, then as now, governments, for the most part, were conducted not on the principle of "justice to all," but *favor to few*.

The Orange, aye, and Whiggish yell raised this day against Fenians, was then got up by the land monopolists against their victims; and the Protector Somerset was arraigned almost as a traitor to his country, for not proclaiming martial law, and issuing special commissions of *oyer and terminer* against the "wicked and foolish insurgents." Arbitrary as he was, he had still the heart of an Englishman, and, though still with great bloodshed, he quelled the "insurrections" without infringing on the constitutions of the realm.*

Not so now in Ireland. Let a symptom of active opposition to the most galling oppression but appear, and, forthwith, not alone are all the infamous "arms acts," "peace preservation acts," "coercion acts," &c., &c., put into active execution; but the very key-stone of the constitutional arch is torn away, and personal liberty—that dearest treasure of man—is left to the mercy of soulless, unscrupulous underlings, catering to the ambition and prejudices of their not less infamous superiors in office.†

In this very parish, a few days ago, the house of a feeble widow was searched for arms by the sub-inspector of constabulary, with a *posse* of his police. They found there a gun—left in the house for security, two days before, by the owner, who was duly licensed to keep and

* During one of the previous risings, the insurgents, in the midland and northern counties, carried a banner on which was painted a plough, with the inscription: "God speed the plough," which circumstance is the origin of the familiar phrase.

† See Mr. Butt's letter in Appendix.

carry it ; and this very day, as I write, the widow's son, Martin Gibbons, is undergoing the ordeal of a petty sessions' trial in Ballinrobe, brow-beaten by police, for the temporary location of a rusty old gun in his old widow mother's house.

And, in Ireland, we are branded as "traitors" if we, as men, rebel against such a degrading system.

As has been frequently remarked, the depopulators of Edward's reign were too powerful for both gospel and king. As every attempt at legislation now-a-days, in favor or protection of the Irish tenant, is sure to fail in a landlord legislature, so then the several bills, introduced by Hales, were equally unsuccessful, through the influence of the powerful depopulators. The 5th and 6th Edward VI., c. 5, was the only statute passed, providing that, in each parish, the same extent of land should be kept under tillage as had been since the first year of Henry VIII.—the penalty being 5s. an acre yearly for its non-observance. Yet, neither was the land tilled, nor the fine enforced, and hence all the disorder and insurrections that sprung up during that and the following reigns.

Mendicancy and vagabondism became the order of the day ; and, as the king and parliament used their best efforts to arrest the arm of the depopulator, so did they interpose with the most stringent and barbarous penalties against the wretches whose alternative lay between vagrancy and death. Lingard thus pithily describes the fate of the convicted mendicant : " Whosoever lived idly and loiteringly for the space of three days came under the description of a vagabond. Two justices of the peace might order the letter V to be burned on his breast, and adjudge him to serve the informer two years as his slave. His master was bound to provide him with bread, water, and refuse meat ; might fix an iron ring

round his neck, arm, or leg; and was authorized to compel him to labor at any work, however vile it might be, by beating, chaining, or otherwise. If the slave absented himself a fortnight, the letter S S was burned on his cheek or forehead, and he became a slave for life; and if he offended a second time in like manner, his flight subjected him to the penalties of felony. Two years later this severe statute was repealed.*

Nearly fifty years later, the "sturdy beggars" and "vagabonds," created by depopulation, were, by express orders of Elizabeth, executed by martial law. Had a few of their "oppressors" been so dealt with, or even "whipped" or "branded" for every act of depopulation, most likely the evil had never reached the dimensions it possessed at the close of her reign.

To proceed in the order of time:—In the reign of Mary another commission issued—"for the better habitation, restoring, and re-edifying of the castelles, fortresses, and fortelettes, villages, and houses that bee decayed within the counties of Northumberlande, Cumberlande, Westmorelande, and the bishopricke of Durham, for the better manuring and employing the groundes within the same, and for the more increase of tillage."† The power conferred by this parliamentary commission was almost unlimited—the extent of territory alone bounding the operations of the commissioners; but another act extended the power to the entire kingdom, confirming, as it did, the 4th Henry VII., c. 19, already referred to, and embracing all houses decayed or "to bee decayed" having "twenty acres or more to them lying or belonging," previously tilled or not; and authorizing the appointment of commissioners to investigate all violations

* "Hist. of Eng.," v. 5, p. 127 (Dolman, 1855), in which statutes are quoted.

† 2nd and 3rd Phil. and Mary, c. 1.

of the said act of Henry VII., with 7th Henry VIII., c. 1; and to inquire "of all grounde in or neere any corne felde newly converted to the keeping of conies not being lawful warren." The commissioners had full power to punish delinquents in "any of the aforesaid decais or defaults, and their being and continuing owner, . . . in such sommes of money as to suche commissioners shall seem reasonable, for the re-edifying of suche decayed houses, and for the converting of suche grounde so converted from tillage to pasture into tillage again, and for the diminishing and destroying of conies, within suche convenient times, and in suche maner and fourme as to the same commissioners shall seem mete."* Provision was also made for the case in which the original defaulters had left, and the actual occupiers, and "all and every person having any particular estate in the lands for term of life, years," were to be taxed for cost of rebuilding, the former being bound to "turne the land employed to the keeping of conies (or converted into pasture), again into tillage, or to destroy or diminish the same conies, within such time, and upon such paynes, as by them shall be limited and appointed." They were also empowered to reduce the rents increased by the conversion of the land from tillage to pasture. "If the grounds to be re-converted into tillage should be chargeable with any rent reserved since the time the said ground was converted from tillage to pasture, and which was reserved and made greater, in consideration that the same was so converted from tillage into pasture or stored with conies," the commissioners might reduce "all suche rents, if they be greater than the ground turned into tillage, or by reason of the destruction of the conies, . . any writing, agreement, or promise whatsoever to the contrary, notwithstanding."†

* 2nd and 3rd Phil. and Mary, c. 1.

† Sec. 12.

This was no small interference with the "rights of property"—a tax on pasture, a premium for tillage as in Persia of old, and a forced reduction of rent! But, more sweeping still, the commissioners were empowered "to demise and let said house and landes (ten or twenty acres, not let to farm within two years), to any person or persons having no other farm or tenements within the same parishe, nor having any accion or suit at that present against the owner, and requiring the same for seven years at the most, for such reasonable rent, and upon such reasonable covenantes, as the said commissioners shall think mete for both parties."* The provisions of 5th and 6th Edward VI., c. 5, were also repeated, imposing a fine of 5s. for every acre of land converted from tillage to pasture.

I can do no better than quote the following *verbatim* from the *Dublin Review* on this subject:—

"Severe as this statute would now appear, it and the 5th and 6th Edward VI., c. 5, were repealed by the 5th Eliz., c. 2, as 'being in some partes thereof imperfect, and in some places too milde and gentle, and thereby not having brought, to the decayed state of tillage and houses of husbandry, that long-looked-for remedye which was then hoped for.'

"This statute confirmed for ever the 4th Henry VII., c. 19; 7th Hen. VIII., c. 1; 27th Hen. VIII., c. 22; and 27th Hen. VIII., c. 28, sec. 17 and 18; and provided that all lands tilled for four years successively, at any time since the 20th Hen. VIII., should be kept in tillage under a penalty of 10s. an acre, to be recovered by the next heir, the remainderman, the lord in fee, or the crown, or in default of these successively, by any one who should sue, &c., &c. : and also, that all lands converted into pasture between ann. 7th

* 2nd and 3rd Phil. and Mary, c. i., sec. 14.

and 20th Hen. VIII. should be restored to tillage within one year, and that commissioners should be appointed from time to time to inquire of officers, &c. By the 13th Eliz., c. 25, this act was made perpetual ; but by the 14th Eliz., c. 11, 27th Eliz., c. 11, 29th Eliz., c. 25, 31st Eliz., c. 10, and 35th Eliz., c. 7, was continued only to the end of the next session of parliament. This seemed to be productive of much mischief, for, in 1597-8, we find two acts passed on the subject. The first (39th Eliz., c. 1) enacts that one-half of the houses of husbandry decayed for more than seven years, and all those decayed within seven years, should be rebuilt, and forty or twenty acres of land laid to them, under a yearly penalty of £10 for not rebuilding the houses, and 10s. an acre for not 'laying the lands to them.' The second (39th Eliz., c. 2) begins with the following admirable recital:—

“ ‘Whereas, the strengthe and flourishinge estate of this kingdome hath bene always, and is, greatly upheld and advanced by the maintenance of the ploughe and tillage, being the occasion of the increase and multiplyinge of people, both for service in the wars, and in tymes of peace—being also a principal meane that people are sett on worke, and thereby withdrawn from ydlenesse, drunkenesse, unlawful games, and all other lewd practices and conditions of life ; and whereas, by the same means of tillage and husbandrie the greater part of the subjects are preserved from extreme poverty, in a competent estate and maintenance, and means to live, and the wealth of the realme is kept dispersed and distributed in manie handes, where yt is more ready to answer all necessary charges for the service of the realme. And whereas, also, the said husbandrie and tillage is a cause that the realme doth more stand upon itselfe, without dependinge upon foraigne countries, either for bringing in of corne in time of scarcitie, or vent and utterance of

our commodities, beinge in over great abundance ; and whereas ' (since the discontinuance of the husbandry acts in the 35th year of her reign) ' there have growne many more depopulations, by turning tillage into pasture, than at any time for the like number of years heretofore,' the penalty of turning tillage land into pasture is raised from 10s. to 20s. per acre, recoverable at once by whosoever should sue for it. By another act of the same session, the 5th Eliz., c. 2, was made perpetual."*

Stringent as were these measures, they seem to have borne little or no fruit in their execution. The wealth of the depopulator, and the corruption of the country justices, counteracted the benevolent aims of sovereign and parliament, and, with her crown, Elizabeth bequeathed a legacy of discontent to the son of her murdered rival.

In 1601, the first Poor Law Act had the effect of diminishing, for a time, "vagabondism," and the employment of the hangman. The several husbandry acts, however, already referred to, were, with the exception of 25th Henry VIII., c. 13, prescribing limits to number of sheep in each one's possession, repealed by the 21st Jacob. I., c. 21, and this only re-opened the floodgates of depopulation. An author, calling himself R. P., of Wells, published a book, in 1636, entitled "Depopulation arraigned, convicted, and condemned by the lawes of God and man ; a treatise necessary in these times" (and *these* times of ours no less) ; in which he thus epitomises the general injuries caused by the system :—

" Rex patitur, patitur clerus, respublica, pauper,
Et non passurus depopulator erit."

King, Church, state, poor, all are victims ; and shall not the depopulator himself suffer at all ? "But," con-

* *Dublin Review*, vol. xiii., pp. 537-8.

tinues R. P., "non passurus est depopulator. You have heard him discovered, described, arraigned, and convicted, and, ere long, you shall hear his sentence. *His crime* is no less than high treason against the Sacred Trinity of Heaven, in compassing about, violating, and cancelling of that great charter of 'terram dedit filiis hominum ut operarentur;' and he must not think that such a grand transgression against God, the king, the Church, the state, and the poore, can be expiated by a parlor sermon of a stipendiary schoolmaster, who must *sove* doune under his patron's elbowes; *ulcus est, ne tangas*; he *must* not touch this maladie for fear he should lose his salarie." The lord keeper, Coventry, in issuing his instructions to the judges of assize in 1635, takes occasion to impress upon them, in a special manner, the necessity of the utmost care and rigor in investigating all offences of this kind, as being "a crime of a crying nature, that barreth God of his honor and the king of his subjects. . . . Depopulation being an oppression of an high nature, and commonly done by the greatest persons, that keep the jurors under and in awe;" intimating that "his majesty willeth that you do not cease, but inquire on still; for it is his resolution, against all opposition, to make all men see he hath a care of this overspreading evil, *and of the means of his people*, having churches and towns demolished, and his people eaten up like bread, *to satisfy the greedy desires of a few who do waste as profusely as they gather* unconscionably, and bring unto their posterity that woe which is pronounced against those that 'lay house to house and field to field, to dwell alone in the midst of the earth.'"*

Accordingly royal commissions issued next year for every shire in England, to ascertain "what and how

* "State Trials," vol. iii., 832.

many burwaghes, tounes, villages, parishes, hamlets, farmes, ferme-houses, or other messuages or houses, since the tenth year of the late Queen Elizabeth, have been and are now depopulated, destroyed, and ruinated, or converted from the habitation of husbandmen to other uses; and what lands and tenements have been converted from tillage and plowing to pasture," which "lands converted from tillage to pasture, *and other unlawful purposes,*" were to be restored to tillage, "and to admit of husbandmen to be tenants of those houses *pro ut hastenus furi consuetum est.*"*

Nor does this commission, or series of commissions, seem to have been without fruit, for the same interesting author, "R. P.," relates the following as an instance of the penalties which, even after the repeal of the husbandry laws, the common law itself dealt out to the "*vastator agrorum*:"—

"In Michaelmas terme, 10th Car., upon an information exhibited by his majestie's attorney-general against a gentleman of note and worth, for depopulation, converting great quantities of land into pasture, which formerly had been arable, used to tillage, . . . and suffering the ferme-houses and their out-houses to bee ruined and uninhabited, and a water corn-mill to decay and go to ruin; for that it appeared, upon evident prooffe, that there were many servants and people kept upon those farms when they were used to tillage, . . . and for that the defendant had then of late years taken into his owne occupation all the said farmes, and converted all the lands formerly used for tillage into pasture, and had also depopulated and pulled downe three of the said ferme-houses, and suffered the other two to run to ruin, and to lye uninhabited. . . . Upon grave and deliber-

* "Depopulation," &c., pp. 93, &c.

ate consideration, the court did, with a joynt consent and opinion, declare that the defendant was clearly guilty of said depopulation and conversion of arable land into pasture, before expressed, and *that the same offences were punishable by the common law of this kingdom*, and fit to be severely punished, the rather, for that it was a growing evil; therefore their lordships did think fit to order, adjudge, and decree" that the transgressor should be committed to the Fleet, pay a fine of £4000 to the crown, acknowledge his offence in open court at the next county assizes, pay £100 to the informant, the same to the parish minister, £300 to the parish poor, with all the costs of suit, besides repairing the houses, out-houses, and mill, within the space of two years, "fit for habitation and use, as they were before," and restore the farms to the farm-houses again, "and let and demise the same severall farmes to severall tenants *for reasonable rents, such as the country would afford;*" "and that all the said lands should be again ploughed up and used to tillage as formerly it had been."*

This was grappling with the evil in real earnest. Had some similar examples been made of Irish depopulators, these forty years past, how different would be the aspect of the country to-day!—how different the spirit of the Irish race, dispersed and at home! It is now a seething cauldron of hate and disaffection. Had the hand of the exterminating angel been arrested at the outset, that same spirit might be one of hearty devotion to imperial sway and fortunes.

Is it now late? or has the curse of the reprobate come upon the hardened devastator?

If Lucan, and Sligo, and Palmer, and Pollock were dealt with "by her majesty's attorney-general," as the

* "Depopulation," p. 840.

"gentleman of note" was by the chief law officer of Charles, what a different spirit would reign among our maddened people this day. But no: quite the reverse. Her majesty's attorney-general is more congenially employed, in striving to find twelve men in some part of Ireland, outside Galway, to convict an agrarian "suspect" of having attempted the life of another "great gentleman," who "did as he liked with his own." Up to this, itself, not a breath of censure from attorney-general, or any other official of the crown, on the "vastator agrorum," on that "oppression of a high nature, and commonly done by the highest persons," depopulation in Ireland; while even the suspicion of having resented the "oppression of a very high nature," entails on the unhappy, humble suspect, such an ordeal as Peter Barrett is passing through, just now, at the hands of the attorney-general, and as the "suspects" for the Hunter tragedy have had to endure, of late, for several weeks. In one word, "crown" and "law," legislature and executive, have hitherto acted the scandalous partisan with the "great gentleman," as against the wretched, trembling tillers of the soil. For all the heartburnings and consequent "outrages" on the one side, and all the impelling causes on the other, the government of the country alone is responsible. Will the present administration act up to its professions, and by one decisive stroke, not, indeed, make atonement for the past—for this the fee-simple of Ireland would not effect—but make a recurrence of its dismal agrarian history in this unhappy country for ever impossible? Time will soon tell.

CHAPTER XIII.

JUDEA.—PERSIA.—CHINA.—GREECE.

“And Juda and Israel dwelt without any fear, every one under his vine and under his fig tree, from Dan to Bersabee, all the days of Solomon.

“And Solomon had forty thousand stalls of chariot horses, and twelve thousand for the saddle.”—III. *Kings*, vi., 25-26.

THE above must furnish us with an idea of, at once, the immense wealth and population and security of tenure in the old land of Judea, previous to the schism of Israel. Indeed, we are positively informed that “Juda and Israel were innumerable as the sands of the sea in multitude, eating and drinking, and rejoicing.”* While the description of his *menage*, being “the provision of Solomon for each day, . . . thirty measures of flour, and three score measures of meal, ten fat oxen, and twenty out of the pasture, and a hundred rams, besides venison and harts, roes and fatted cows,”† can only further enhance our estimate at once of the population and prosperity of the country in that distant day. For eighteen hundred years that teeming country has been a wilderness.

“The area of Judea,” says Sadlier, “reduced into English acres and divided by the number of inhabitants, all of whom were agricultural, will fully prove the early practice and the wonderful effects of minute cultivation. If this appeal be disallowed, the same facts relative to the prin-

* Vv. 20.

† V. 22, 23.

cipal Grecian states will afford the same demonstration."* This was written of the Judea and Greece that passed the era of depopulation and latifundism ; we shall see to what both countries were reduced.

The sacred volume informs us, in several parts, that the "promised land" was "divided by lot" "among the children of Israel"† So that the humblest individual in each tribe had as good a right to "dwell in the land" and "eat of the fruit thereof" as its highest "prince" and "ancient." In lieu of land, the tribe of Levi was allotted tithes from the others. Josephus gives us a description of this "allotment" which I consider worth transcribing, as furnishing a useful lesson to the land-surveyors and "stripe"-makers of the present day, the National Building and Land Investment Company not excepted :—

"As also he (Joshua) thought it reasonable that they should choose one man out of every tribe, and he such as had the testimony of extraordinary virtue, who should measure the land faithfully, and, without any fallacy or deceit, should inform them of its real magnitude.

"Now, Joshua, when he had spoken to them, found that the MULTITUDE approved of his proposal ; so he sent men to measure their country, and sent with them some geometricians, who could not easily fail of knowing the truth, on account of their skill in that art. He also gave them charge to estimate the measure of that part of the land that was most fruitful, and what was not so good : for such is the nature of the land of Canaan, that one may see large plains, and such as are exceedingly fit to produce fruit, which, yet, if they were compared with other parts of the country, might be reckoned exceedingly fruitful, yet, if it be compared with the fields about Jericho and

* Sadlier, 107, referring to Boerke's "Athens," vol. ii., p. 248.

† *Numbers* xxxiv., xxxvi., *Josue*, xiii., and foll.

to those that belong to Jerusalem, will appear to be of no account at all; and, although it so falls out *that these people have but a very little of this sort of land*, and it is for the main mountainous also, yet does it not come behind other parts on account of its exceeding goodness and beauty; for which reason Joshua thought that the lands for the tribes ought to be decided by estimation of its goodness, it often happening that one acre of some sort of land was equivalent to a thousand other acres. . . .

“And Joshua took both Eleazer and the senate, and with them the heads of the tribes, and distributed the land to the nine tribes and to the half tribe of Manasseh, according to the largeness of each tribe; so when he had cast lots, Judah had assigned him *by lot*,” &c.*

Thus it appears that at the original partition of Canaan among the chosen people each had but “very little of this sort of land;” and the same author informs us that in due time the tribes “left off, the one to kill, and the other to expose himself to danger, and *had time to till the ground*.” They “applied themselves to the cultivation of the land, which producing them great plenty and riches, they neglected the regular disposition of their settlement, and indulged themselves in luxury and pleasures.”†

They violated the following ordinance, as given by Josephus from the Talmud, and corresponding in substance with the injunctions of Holy Writ, and they paid the penalty:—

“Let it not be esteemed lawful to remove boundaries, neither your own nor those with whom we are at peace. Have a care you do not take those landmarks away which are, as it were, a divine and unshaken limitation of rights made by God himself, to last for ever, since this going beyond limits, and *gaining ground on others*, is the occa-

* “Hist. Antiq. Jewa,” b. v.

† *Ibid.*

sion of wars and seditions ("agrarian outrages"); for those that remove boundaries are not far off an attempt to subvert the laws."*

The stiff-necked race did, in course of time, begin to change landmarks, and "woe" was their retribution. "Woe to you," warned the sublime prophet Isaias, "that join house to house and add field to field, even to the end of the place. Shall you alone dwell in the midst of the earth? Those things are in my ear, saith the Lord of Hosts, unless many great and fair houses become desolate. For ten acres of vineyard shall yield one little measure, and thirty bushels of seed shall yield three."† Thus is the crime of consolidation and its punishment, sterility, brought together before our eyes, again illustrating the truth that—

"Nulla unquam lex justior,
Quam artifices necis arte perire sua."

There could be no more appropriate expiation of agrarian monopoly than barrenness of the monopolized soil; and barrenness with a vengeance came upon the land.

"As for my people, their oppressors have stripped them, and women have ruled over them. . . . The Lord will enter into judgment with the ancients of his people and its princes; *for you have devoured the vineyard, and the spoil of the poor is in your hands.*"‡ For which he threatens in no idle words: "I will take away the hedge thereof, and it shall be wasted; I will break down the wall thereof, and it shall be trodden down. And I will make it desolate; it shall not be pruned, and it shall not be digged; but briars and thorns shall come up; and I will command the clouds to rain no more upon

* "Antiq.," b. iv. p. 77.

† *Isa.* v. 8, 9, 10.

‡ *Ibid.* iii. 12, 14.

it.”* And this visitation came no less on the material field than on “the house of Israel.” For the “princes” continued to be “faithless, companions of thieves, to love bribes, to run after rewards, to judge not for the fatherless,” or to listen to “the widow’s cause,” “until the cities were wasted without inhabitants, and the houses without man, and the *land left desolate*.”†

I make these references not in the spirit of fanaticism, or prophet or Savonarola-like threat, holding out the fear of similar chastisements from above to the Irish great ones of the present day. Believing, with an undoubting belief, that the same unsleeping eye of Providence, which watched the ill-doings of the “stiff-necked” race, is no less vigilant to-day than it was three thousand years ago—for with it there was no yesterday, there will be no to-morrow—I am no less satisfied of the ridicule and scorn with which any appeal to a sense of the supernatural, or a dread of its visitations, would be received by the matter and mammon-seeking “princes and ancients” of the present age. Yet, nothing the less, “sin will be added to sin,” and even the “sin (*not*) atoned for *will be forgotten*,” until the cup of guilt be filled, and then “*Mine is revenge, I shall repay*.”

If there is a Providence above—as there is—the unexpiated and yet accumulating sins of English law-makers and Irish landlords will yet, without any special supernatural intervention, but by the simple operation of second and natural causes, bring with them their merited chastisement.

I say “English law-makers,” for, if the prophet denounces woe on those “who add house to house and field to field,” he no less solemnly proclaims it to the “makers of wicked laws:”—

* *Isa.* v. 5, 6.

† *Ibid.* i. 23, vi. 11.

“Woe to them that make wicked laws, and, when they write, write injustice.

“To oppress the poor in judgment, and to do violence to the cause of the humble of my people, that widows might be their prey, and that they might rob the fatherless.”*

God forbid, however, that it should be as with Judea, that “every place where there were a thousand vines, at a thousand pieces of silver, shall become thorns and briars; . . . for briars and thorns shall be in all the land; but as for the hills that shall be raked with a rake, the fear of thorns and briars shall not come thither, but they shall be for the ox to feed on, and for the lesser cattle to tread upon.†

Since the foregoing was written, a very interesting letter on the “Irish and Israelitish Land-laws” has been addressed to the *Irish Times*, in which the writer shows that the only “rent” paid in Judea was the tithes or tenth part of the produce allotted to the tribe of Levi in lieu of land. But this could hardly be called “rent” at all, inasmuch as every twelfth acre was a kind of toll, superadded to the share of each tribe, in consequence of the exclusion of the Levitical tribe from agrarian occupations.

The letter may be found in the Appendix.

* *Isa.* x. 1 and 2.

† *Ibid.* vii. 23, 24, 25.

THE OLD PERSIAN MONARCHY.

One of the greatest names among the legislators, no less than the conquerors, of antiquity, is Cyrus. Having amalgamated under his single sceptre the kingdoms of Medea, Assyria, Lydia, and Persia proper, he at once set about governing his vast empire according to the laws of reason and common sense; and to agriculture he specially applied himself. The author of a very instructive book, entitled, "L'Esprit de L'Histoire," thus refers to the subject:—

"L'agriculture etait particulièrement honorée. L'administration ne croyoit pas qu'il y eut des details indignes de son attention. Le gouverneur de la province la mieux cultivée obtinoit le plus de grace. C'est encore aujourd'hui la même chose dans la Chine. Cyrus le Jeune encourageoit l'agriculture par son exemple; et la plus grande fête du peuple Chinois est le jour ou son empereur met lui-même la main à la charrue."*

Thus, as in modern China, so in ancient Persia, agriculture was held in special estimation. "*The governors of the best cultivated provinces obtained special rewards.*" No latifundism, no "consolidation," no substitution of beast for man, could have obtained there. And yet, we boast of "progress"—the progress of the few in opulence and luxury, of the many in misery and despair.

* "Special honor was paid to agriculture. The government did not think any detail thereof beneath its attention. The governor of the best cultivated province was held highest in favor. It is just the same in China. Cyrus the Younger encouraged agriculture by his example; and the greatest feast of the Chinese people is the day on which their Emperor puts himself his hand to the plough."—"Esprit de l'Histoire," vol. i., p. 101.

GREECE.

To come nearer to modern, though yet very ancient times, I can do nothing better than quote from Thornton's "Plea for Peasant Proprietors," in his references to Greece and Rome. Of the former he writes :—

"A very brief reference to Greece," writes he, "will suffice to show that her small proprietors of the heroic and republican periods never multiplied into a swarm of paupers. Polybius remarked that, in his time, though one of comparative prosperity, afflicted neither by wars nor epidemic diseases, population was fast diminishing, so that houses were left empty, and cities resembled abandoned hives. Strabo, who visited Greece about a century after its incorporation with the Roman empire, was surprised at nothing so much as the scarcity of inhabitants. Messenia was, for the most part, deserted. Laconia contained but thirty of the hundred small towns for which it had once been celebrated. Arcadia, Oetolia, and Acarnania were solitudes. Of the towns of Doris and of the Aenians scarcely a trace was left. Of all, save three, of the Bœotian cities, nothing remained but ruins and names. In the reign of Trajan, according to Plutarch, the whole of Greece could not furnish more than three thousand heavy armed men, the number raised by Megara alone for the Persian wars. Bishop Thirlwall, adopting, in part, the opinion of Polybius, attributes this remarkable depopulation to universal luxury and depravity of morals ; but these are plagues which seldom extend beyond the wealthy class and inhabitants of cities. A better explanation is afforded by what Strabo says *of the accumulation of property in few hands*. 'The whole island of Cephalaria

formed but a single estate ; and in continental Greece scarcely any land was in tillage, almost the whole being occupied by vast sheep-walks or by pastures for cattle and horses. Desolation had evidently run the same course in Greece as in Italy—many *small farms had been united to form a few enormous estates*. The new landlords had expelled the remains of the ancient peasantry, and, having cleared their domains of men, had supplied their place with herds and beasts.' Modern Highland lairds," continues Thornton, "may, perhaps, be glad to learn that their own clearances can be justified by such illustrious precedents."* For "Highland lairds," write *Irish landlords*, and the picture of Grecian desolation of two thousand years ago is drawn this day in Ireland.

Thus do we find that singular law uniformly asserting its supremacy at all times, in every clime and place, that co-existent with minute or moderate cultivation, with a fair partition of the land among the masses of the people, thoroughly secured to them by an equitable tenure, did plenty and happiness reign among the people, and virtue and power in the state. Consequent on their being supplanted by consolidation, came vice, misery, and individual and national ruin.

* "A Plea for Peasant Proprietors," &c., p. 74, 1848.

CHAPTER XIV.

ANCIENT ITALY.

"Modum agri imprimis servandum putavere antiqui, quippe ita censebant satius esse minus serere et melius arare."—*Pliny*, "*Nat. Hist.*," b. xviii., c. 7.*

PASSING from Greece to Italy, we find a parallel state of things—an original mediocrity of territorial possessions with comfort, happiness, and national prosperity; *latifundism*, with all the vices of exorbitant wealth in its train.

So far from being ashamed of the plough, it was their chief occupation, and the pride no less of the patrician than of the plebeian, so that they could all be truly designated in the words of Horace :—

"Agricolæ prisci fortes parvoque beati,"†

"Brave old husbandmen, whose wants were few"—until empire brought luxury, and luxury brought empire to ruin.

The following pithy description, borrowed from an interesting and instructive little work, entitled "*Manners of the Romans*," is well worth reproduction :—

"Rome, therefore, convulsed in turns by internal discord and foreign hostility, only enjoyed repose at intervals.

* "The ancients considered it best to have moderate farms ; for they thus thought it better to sow less and till better."

† "*Epist.*," b. ii., Ep. 1, line 139.

This leisure was devoted to agriculture, in which all classes were then equally occupied ; and the patrician and plebeian orders, so distinct in the city, were confounded in the country, in the common avocations of husbandry. The first magistrates and the greatest generals were engaged in the labors of the field ; and the same hand which directed the plough was often chosen to guide the helm of state, or to wield the truncheon of its armies. History presents us with many such examples, not only in the infancy of the commonwealth, but even in those more flourishing times, when the Romans, already masters of all Italy, had extended their empire beyond the seas. Quintus Cincinnatus, who was found at work in his field by those who went to announce to him his appointment to the dictatorship, is not a singular example. M. Curius, after having conquered the Sabines and the Samnites, and after having driven Pyrrhus out of Italy, possessed only a small farm, which he cultivated himself. Cato the censor, struck with the simplicity of manners and the elevation of mind of his master, accepted him as his model, and, applying himself to agriculture—on which he has left some treatises—did not disdain to work with his slaves, nor, when their toil was over, to partake of their coarse fare. And Scipio Africanus, after he had signalized himself by the defeat of the greatest of the Carthaginian generals, after having conquered Hannibal and rendered Carthage tributary to Rome, retired to the cultivation of his garden.

“Far from considering themselves degraded by these rustic labors, the senators were almost constantly occupied in them ; and the custom of residing on their estates was so general that there was a regular establishment of couriers, whose duty it was to summon them when any extraordinary business required their attendance in the senate. This general attention to husbandry was then,

indeed, as much the effect of necessity as choice ; for, the lands of the commonwealth having been divided in equal and very minute portions among all its subjects, (citizens ?) each was obliged to labor for his own subsistence, and a long time elapsed ere the introduction of commerce, and the consequent acquisition of wealth, enabled individuals to purchase the estates of their fellow-citizens, and to obtain a revenue from the rent of land, rather than from its cultivation.

“Thus, in the early and the happiest period of the republic, the Romans were all, except the lowest artisans, at once agriculturists and soldiers ; and though for the most part residing always in the country, yet being denizens of Rome, they were considered as citizens, and were addressed under the common name of *Quirites*.”*

By degrees, however, this simple and happy state of things gave way to ambition, and a spirit of individual aggrandisement, regardless of national interests and fame. The evil genius of consolidation, first stealthily, and, soon after, defiantly, appeared on the scene ; so that, about the year 376 before Christ, Licinius, himself a plebeian, elected tribune of the people, obtained, in spite of the opposition of patricians, a law, known, from his name, as the “Licinian law,” prohibiting the possession of over five acres of land to any individual ; and this on the not unreasonable ground that no one could cultivate more with profit or success. Like many more such good laws, in ancient and modern times, this soon began to fall into desuetude ; so much so, that its very propounder was condemned, twenty years after its promulgation, to a fine of 10 Roman asses, or about £275, for its violation—a violation more technical than real, as his 1,000 acres

* Pp. 2, 3, &c.

were held partly in the name of his son.* However, in course of time this salutary restriction became totally relaxed, but was renewed, with increased vigor, two hundred years after, by the famous brothers, the *Gracchi*, who both fell victims to their zeal in its enforcement. And thus, by the gradual relaxation and final abandonment of a prudent law, proving a check on the acquisition of exorbitant wealth on the part of a few, at the expense of the very life-blood of the many, had Rome arrived at that deplorable state described in the extracts to follow.

Writing on ancient Italy—its agricultural and social position—the eminent author referred to, Mr. Thornton, says: “One hundred and forty years before the birth of Christ, as Tiberius Gracchus returned from a campaign in Spain, he found remaining in Italy neither peasant properties nor even a native peasantry. The scene which presented itself to him was that of a country whose only cultivators were foreign slaves. Landed property was engrossed by a small number of rich men, and the laborers employed on it were the captives taken in war, who were shut up at night in dungeons, and who worked by day in gangs, under task-masters, like negroes in the West Indies. The Campagna—which, while tenanted by men working for themselves, ‘those most intelligent, most industrious, and most successful of all employers,’ had resembled Flanders in cultivation, with much more variety and picturesqueness—had been left to slaves working listlessly for a rich and careless absentee, and had begun already to wear its present bleak and dreary aspect. Houses had been thrown down, fruit

* “Niebuhr informs us that, prior to the expulsion of the Tarquins, the quantity of land in each one's occupation did not exceed two *jugera*—less than two acres. The Licinian law made seven *jugera*, or about five acres, the utmost limit.”—Thornton's “Plea,” p. 66.

trees rooted up ; the decay of agriculture had been followed by the generation of malaria, which rendered the climate unfit for human residence. Tillage was ultimately superseded entirely by pasturage, and *cattle browsed* on the site of many a happy homestead, and many a town renowned in story.* Let the tourist, on entering the towns of Ballinrobe, Castlebar, Westport, in this county of Mayo, cast his eye about him, and he will find verified to the letter this touching complaint of "cattle browsing on the site of many a happy homestead." Let him, on his way from Ballinrobe to Westport, pass through the parish of Aughagower, once so populous, always so intelligent, and see areas of square miles, many "sites of happy homesteads," taken from God's image and likeness, and given up to those "beasts of the field" which were created for him.† Where once there were scores of comfortable villages, to-day are to be seen only the sparse houses of caretakers and herds. Twenty years ago, and more, the greater part of this crying, agonizing desolation was wrought. Alas! that this very day it should be repeated on a scale of leviathan dimensions. There are Knockrooska and Maas, last year hives of agricultural industry—to-day "*consolidated and enclosed*" for the brother of the landlord. "Is there no hand on high" to arrest this fiendish work? Or is it to continue until despair itself supply the outraged people with the last weapons of self-defence?

The result of consolidation in Italy is deplored, in prose and verse, by many of its most illustrious authors.

* "Plea for Peasant Proprietors," p. 169.

† Captain Houston occupies two hundred square miles, out of which all the inhabitants were banished by Lord Sligo, except a few herds. More recently, the noble lord has cleared off the townland of Knockrooska, and "noticed to quit" the *Maases*, to be given as grass farms to his brother, Lord John Browne.

Pliny, Tacitus, Seneca, Columella, Virgil, and even Horace himself, with more reserve as an imperial parasite, have lent their pens, not to the advocacy of the tenant cause, but to the bewailing of its ruin. "To confess the truth," says Pliny, "*large farms have ruined Italy, and now the provinces. Six lords owned half Africa when Prince Nero put them to death*"—" *Verumque confitentibus latifundia perdidere Italiam; jamvero et provincias. . . . Sex domini semissem Africæ possidebant cum interefecit eos princeps Nero.*"* "Formerly," says Tacitus, "provisions were conveyed for the legions from Italy to distant provinces; nor is it very fertile itself; but (now) we work up Africa and Egypt, and the existence of the people is left to ships and chance"—"*At olim ex Italia legionibus, longinquas in provincias commeatus potabantur; nec infecunditate laboratur; sed Africam potius et Egyptum exercemus, navibusque et casibus vita populi permissa est.*"† And, elsewhere—" *At Hercule, nemo refert quod Italia externæ opis indiget, quod vita populi Romani per incerta maris et tempestatum quotidie volvitur, ac nisi provinciarum copiæ et dominis et servis, et agris subvenerint, nostra nos scilicet nemora nostræque villæ tuebuntur? Hanc P. C. Curam sustinet principis: Hæc omissa funditus rempublicam trahat: reliquis intra animum medendum est: nos pudor, pauperes necessitas, divites satietas in melius mutet.*"‡ "Tracts of country," writes Seneca, "which formerly belonged to whole nations, are now managed by a single workhouse of slaves, and modern bailiffs have more extensive dominions than the kings of former days"—"*Arata quondam populis rura singulorum ergastulorum sunt; latiusque nunc villici quam olim reges imperant.*"§ Columella denounces "the influential and overpowerful class who own the lands of nations (entire), which they are not able even to go round,

* "Nat. Hist.," l. xviii., c. 7.

† "Annal.," lib. xii., c. 43.

‡ "Annal.," lib. xi., c. 53.

§ "Controversia," v. l. 5.

but abandon to be trampled by cattle and devastated by wild beasts, or occupied by citizens given to bondage for debt, and by workhouses"—“*More præpotentium qui possident fines gentium quos ne circumire quoque valent sed proculcandos prendibus et vastandos feris derelinquent, aut occupatos nexa civium et ergastulos tenerit.*”*

And again :—

“Nec dubium quin minus reddat latus ager non recte cultus quam angustus eximie ideoque post exactos reges Liciniana illa septena jugera magores quæstu antiquis attulere quam nunc probent nobis amplissima veterata. . . . Ubi Dii cultus agrorum progeniem suam docuerunt, ibi nunc ad hastam locamus, ut nobis ex transmarinis provinciis advehatur frumentum ne fama laboremus.”†

And elsewhere, in the body of his work, the same eminent authority relates the following very interesting story, as illustrating the advantages of minute cultivation: “Græcinus,” says he, “tells us in his book on vines, that he used to often hear from his father that one Paridius had two daughters, and a farm planted with vines, the third part of which he gave the elder daughter as dower, and yet that he used to reap as large a return from the other two parts; that he got the second daughter married in half the rest of the land, without diminishing his former return. From which what follows, except that this third part of the farm was better cultivated than the

* “De re Rustica Proem.”

† “Nor can it be doubted that a wide field, ill-tilled, gives less return than a well-tilled small one. . . . And, therefore, after the expulsion of the kings, that Licinian seven-acre holdings brought the ancients more profit than the widest farm-fallow fields return us now. Where the gods taught their race tillage, there we now hire out at auction (competition rents), that grain may be brought us from transmarine provinces, lest we perish of hunger.”—*Ibid.*

entire had been before?"* So that two thousand years ago minute and careful cultivation, in Italy, carried with it the same rewards, in the shape of a plentiful return, that it does to-day in Tuscany and Flanders. But then there existed fixity of tenure, too. It does not appear from the account of Columella that Paridius had to go to the "master," or his agent, to "get leave" for the marriage of his daughters, or the apportioning them a reasonable share of his farm. The Irish tenant-at-will who would presume on such "an infringement on *the rules of the estate*," would never have the chance of repeating his audacity.†

"Tum longos jungere fines
Agrorum et quondum duro sulcata Camilli
Vomera, et antiquos Curiorum passa ligones
Longa sub ignotis extendere rura colonis,"

was the plaint of Lucan,‡ such as might be echoed by any living Irish bard to-day. "Then (they began) to 'consolidate' (jungere) large tracts of land, and to lay down, under UNKNOWN TENANTS, the wide fields once tilled with the sturdy plough of Camillus, or the old-fashioned spade of the Curii." Thus consolidation went on apace in the great republic after she began to get drunk with the blood of nations. The result was, as might be expected, that luxury and idleness went step by step, side by side, and that the mistress of the world had, as Tacitus complains, to depend for her daily bread "on foreign supplies and on the mercy of wind and wave."

Not so in the days of small farms and good cultivation. Pliny assures us that "provisions were wonderfully cheap" ("annonæ vilitas incredibilis erat"), but that the grain did not come from large fallows, referred to by Columella. ("Nec a latifundiis singulorum contingebat

* "De re Rustica," l. iv. c. 3.

† See Appendix.

‡ "Pharsalia," l. i.

arcentium vicinos"—"Not from the fields of the exterminators of their neighbors.") Captain Houston and Lord John Browne will never send a bushel of grain to the market. Their Durhams and Cheviots will all go to feed, not the hardworking Irish people, but the "great gentlemen" of England, which is "great by our misery."

He also finds another reason for the productiveness of the small holdings, and the comparative, and even absolute, sterility of the consolidated estates in the introduction of slave labor.

"What then," said he, "was the cause of such rich returns? The lands were then tilled by the hands of the commanders themselves; whether we are to believe that the earth was proud of a laurelled plough, and a ploughman who had obtained a triumph; or that the latter managed their seeds as carefully as their wars, and laid out their fields with as much diligence as their camps; or that all things are more successful in honorable hands, since they are done with better attention. The honors conferred on Seranus found him sowing seed; hence the surname. . . . But now, chained feet, condemned hands, and branded faces do the same work. . . . And we wonder that slaves do not produce as much as commanders."*

As in Persia, so in Rome, good husbandry was specially honored and rewarded, and slovenly cultivation con-

* "*Quoniam ergo tantæ ubertatis causa fuit? Ipsorum tunc manibus imperatorum colebantur agri; ut fas est credere gaudente terra vomere laureato et triumphali aratore, sive illi eadem cura semina tractabant qua bella, eademque diligentia arva disponebant qua castra; sive honestis manibus omnia latius proveniunt, quoniam et curiosius fiunt. Serentem inveniunt dati honores Seranum. . . . At nunc eadem illa vincti pedes, damnato manus, inscriptique vultus exercent. . . . Sed nos miramur ergastulorum non eadem emolumenta esse quæ fuerint imperatorum.*"—"Nat. Hist.," *ib.*, c. iv.

sidered a disgrace.* From this one fact we may guess with what care agriculture was looked after in ancient Rome, that the senate returned public thanks for, and ordered to be published in Latin for the public benefit, an extensive work of twenty-eight books by Mago, the Carthaginian—a fact, too, showing how the great African state attended to the same industry.

Sismondi thus recapitulates the condition of Rome under these altered circumstances.

“A single proprietor,” writes he, “gradually became possessed of provinces (the very complaint of Seneca and Pliny), which had furnished the republic with the occasion of decreeing more than one triumph to its generals; while he amassed wealth *so disproportionate to the wants of a single man*, he CLEARED all the country he got within his grasp, of that numerous and respectable class of independent cultivators hitherto so happy in their mediocrity. Where thousands of free citizens had formerly been found ready to defend the soil they tilled with their own hands, nothing was to be seen but slaves. Even this miserable population rapidly diminished, because its labor was found too expensive, and the proprietor found it answer better to turn his land to pasture. The fertile fields of Italy ceased to supply food for their inhabitants. The provisioning of Rome depended on fleets, which brought corn from Sicily, from Egypt, and from Africa; from the capital to the uttermost provinces *depopulation followed in the train of overgrown wealth*; and it was in the midst of this universal prosperity, before a single barbarian had crossed the frontiers of the empire, that the difficulty of recruiting the legions began to be felt. . . . The levies of troops were no longer made in Rome. They were made,

* “Agrum male colere censorium probrum dicebatur.”—Cato, “Priscus de Re Rustica.”

almost exclusively, in northern Gaul and along the right bank of the Danube. . . . This border country had offered little temptation to the cupidity of Roman senators. They cared not to have their property in a province constantly harassed by the enemy. The land which the senators would not buy remained in the possession of the old proprietors. There, consequently, a population numerous, free, and hardy, still maintained itself. It long furnished the army with soldiers; it soon supplied it with chiefs.* And to this depth of degradation had the empress city of the world fallen, by these fatal causes which are working such mischief at this moment in Ireland—the “CLEARANCES” of estates, the consolidation of farms, the accumulation of money and land in the hands of a few, and the consequent disappearance of the people.

In Italy these causes reached the climax of their mischief-making on the final triumph of Augustus. The story is told by Goldsmith, in his own simple, inimitable way: “While he (Antony) remained thus idle in Egypt, Augustus, who took upon him to lead back the veteran troops, and *settle them in Italy*, was assiduously employed in providing for their subsistence. He had promised them lands at home as recompense for their past services; *but they could not receive their new grants without turning out the former inhabitants*. In consequence of this, multitudes of women, with their children in their arms, whose tender years and innocence excited universal compassion, daily filled the temples and the streets with their distresses. Numbers of husbandmen and shepherds came to deprecate the conqueror’s intention, or to obtain an habitation in some other part of the world. Among this number was

* “Lit. of Europe,” vol. i. p. 345.

Virgil, the poet (to whom mankind owes more obligations than to a thousand conquerors), who, in a humble manner, begged permission to retain his patrimonial farm. Virgil obtained his request; but the rest of his countrymen of Mantua and Cremona were turned out without mercy.* A counterpart, to the letter, of scenes so often enacted in this unhappy island; but in one respect less harrowing than the latest system of Irish clearances, in which man is "turned out without mercy," and not man, but brute beast, substituted in his stead.

These inhuman clearances were, in Rome, the forerunner of her fall. What do they presage to-day for the mistress of Ireland? Is England, like Rome, to perish by her own handicraft? Again, as in Judea:—

*"Nec lex justior ulla unquam fuit,
Quam artifices necis arte perire sua."*

"No law more just than that the murderer should perish by his own craft."

How pathetically does Virgil bewail those Roman clearances in his first bucolic, and how illustrative of the Irish exterminations of modern days!—

*"Nos patriæ fines et dulcia linquimus arva,
Nos patriam fugimus."†*

"We quit our country's limits and pleasant fields; we have to fly our native land," while the stranger enjoys our all. And how feelingly does one of the disinherited congratulate the poet himself on his better fortune, in being left his "little bit of ground":—

*"Fortunate senex! ergo tua rura manebunt,
Et tibi magna satis."*

* "Roman History," pp. 215-16. Bordeaux.

† I. "Bucol."

“Fortunate old man ! then your fields remain to you—quite enough for your wants.” Which shows what value was set on the little patch in Italy two thousand years ago—that patch, small though it might be, being “quite enough for its owner’s wants.”

Horace thus depicts the altered circumstances of an evicted Italian of the Augustan era :—

“Videas metato in agello,
Cum pecore et quatis, fortem mercede colonum.”*

“There was the industrious occupier and owner yesterday, earning his bread to-day in his confiscated land.” A perfect parallel to the husbandman of Ireland.

Elsewhere, himself an eye-witness of the clearances described above, he represents the “disinherited” as—

“Agricolæ prisci, fortes, parvoque beati,”

“The olden, brave husbandman, content with little.” And he, too, clearly intimates his predilection for a “little bit of land”—that ALL of an Irish peasant :—

“Hoc erat in votis ; modus agri non ita magnus,
Hortus ubi et tecto vicinus jugis aquæ fons,
Et paulum sylvæ Nihil amplius oro,
Maia vate, nisi ut propria hæc mihi munera faxis.”

His supreme wish was only “a little bit of land, a garden, a spring well near the house, with some little plantation,” nothing more, only—*security of tenure*—“*that these things be made his own.*” So that the land, and garden, and house, and well, and wood, were nothing unless made permanent to the poet philosopher. He only wrote the language of nature.

In reference to the mania which in his time raged for latifundism, he philosophically remarks :—

* “Satir.” ii., lib. 2.

“ Vel dic, quid referat intra,
Naturæ fines viventi, jugera centum, an
Mille arat.”*

“ What matters it to a man living as nature prescribes, whether he plough a hundred or a thousand acres ;” which he, with no less common sense, expresses in the general maxim :—

“ Est modus in rebus : sunt certi denique fines,
Quos ultra citraque nequit consistere rectum.”†

“ There is a measure in all things ; there are certain limits at last, within and beyond which right cannot subsist.” But in his

“ Ager qui te pascit tuus est”—

“ The field that feeds you is (should be) your own ”—he lays down the fundamental maxim, now happily obtaining throughout the world, with the one exception of Ireland. Were Irish landlords to allow their tenant serfs leave to live on such a principle, they would not be so like the latifundists of olden Rome, whose terror of their slaves the sage poet suggests in the following words :—

“ An vigilare metu exanimem noctesque diesque
Formidare malos fures, incendia, servos
Ne te compilent fugientes : Hoc juvat ?”‡

“ Where is the pleasure of watching thieves, fire, and slaves, day and night, lest they should plunder you and make away ?” To which he substantially adds of himself—“ From such possessions may the gods protect me.”

Be it borne in mind all this was written when slave-

* “ Satir.” i., l. 1.

† *Ibid.*

‡ *Ibid.*

work had become an institution, in place of the previous cultivation of the earth by the hands that captured the slave.

Slave-work has been an institution in Ireland since Anglo-Irish landlordism began.

The Irish tenant-at-will, or rather, in the words of Sir W. Petty, "tenant at villeinage," is a very serf. "The land which feeds" (not him, but) his idle "master" is not "his own." His "bit of land" is not made permanent to him. The man who (his ancestors having first obtained it by virtue of confiscation and butchery) calls it "his own," brings nothing to it by his industry, extracts nothing out of it, and yet feeds on its fat, as if the Almighty meant not merely its natural and unlabored productions, but even the fruit of the industry of thousands, for him alone!!!

Well, large farms, consolidation, depopulation, "ruined Italy." May the same causes operating in Ireland not have the same effect on England in their proper time?

CHAPTER XV.

IRISH CLEARANCES.

"One such act suffices to make a human monster—a multitude of them, a political economist."—" *Ireland, its Evils and their Remedies*," by M. T. Sadleir, c. viii. p. 142, ed. 1827.

By far the most heart-rending chapter of modern Irish history is that on evictions, consolidation of farms, and their effects. Their only parallel—if, indeed, they can be paralleled at all—is found in those Augustan and other exterminations in Italy eighteen hundred years ago, just referred to, and the "enclosure" system of England, already reviewed, in the fifteenth, sixteenth, and part of the seventeenth centuries. We have already seen the evidence of Swift and others as to the extent to which the "clearance" system was carried out in their day, and its baneful and deplorable consequences.

Previous to the inauguration of this inhuman policy of the extermination of a people and the substitution of the beast in their stead, Ireland was in a state of prosperity that might be envied by any nation on earth. "A most rich and populous country,"* as she was in the days of Elizabeth, and before her people were "brayed as in a mortar" by Mountjoy. "Populous, well-inhabited, and rich in all the good blessings of God, being plenteous of corne, full of cattell, well stored

* Spenser's "View," p. 165.

with fish and sundrie other good commodities,"* she had not completely sunk beneath the calamities inflicted on her by the starvation policy of that wily general; but, with that resiliency peculiar to her people, recovered her condition so rapidly, on the restoration of peace, that even in the reign of James I. "the strings of the Irish harp were all in tune."† The people "sat under their own vines, and the whole country reaped the happy fruits of peace."‡ While, for the condition of the country half a century afterwards, we have the authority of Mr. J. H. Hutchinson, who informs us that:—

"After the Restoration, from the time that the Acts of Settlement and Explanation had been fully carried into execution, to the year 1688, Ireland made great advances, and continued for several years in a most prosperous condition. Lands were everywhere improved; rents were doubled; the kingdom abounded; trade flourished to the envy of our neighbors. Many places in the kingdom equalled the improvements in England. The king's revenue increased equal to the advance of the kingdom, which was every day growing, and 'was well established in plenty and wealth.'§ Manufactures were set on foot in divers parts; the meanest inhabitants were at once enriched and civilized; and this kingdom is then represented to be 'the most improved and improving spot of ground in Europe.' " Which, he says, "proves the melancholy truth that a country will sooner recover from the miseries and devastations occasioned by war, invasion, rebellion, and massacre, than from laws restraining the commerce, dis-

* Hollingshead, b. vi. p. 459.

† Davis, "Discovery," &c., p. 194.

‡ Archbishop King, "State of the Protestants of Ireland."

§ Words of Lord Sydney, speech from the throne in 1692.
I. C. Jour. v. ii. p. 577.

couraging the manufactures, fettering the industry, and, above all, breaking the spirit of a people.”*

Such was Ireland from the Restoration to the Revolution, and then, indeed, commenced that system of commercial, industrial, agricultural, social, religious, and political oppression which bears its ripened fruits in national misery and national disaffection to-day.

Jealous of the Irish woollen trade, both houses of the English legislature approached his revolutionary majesty and addressed him thus :—

“Wherefore we most humbly beseech your most sacred majesty, that your majesty would be pleased, in the most public and effectual way that may be, to declare to all your subjects of Ireland that the growth and increase of woollen manufacture there hath long been, and will ever be, looked upon with great jealousy by all your subjects of this kingdom, and, if not timely remedied, may occasion very strict laws to prohibit and suppress the same ;” to which considerate demand his “most sacred majesty” most graciously replied that “he would do all that in him lay to discourage the woollen manufactures of Ireland.”

And this is the man whom Irishmen (?) are found to toast as of “glorious, pious, and immortal memory” !

No wonder that, in reference to this resolve, and its subsequent execution, as to others of a similar character, Grattan should have thundered to an Irish senate : “Do not tolerate that power which blasted you for a century ; that power which shattered your looms, banished your manufactures, dishonored your peerage, and stopped the growth of your people ; do not, I say, be bribed by an export of woollen, or an import of sugar, and permit that power, which has withered the land, to remain in

* “The Commercial Restraints of Ireland considered.” Dublin, 1779.

your country and have existence in your pusillanimity.”* This was spoken in reference to the attempt made to blindfold Ireland in arms by the tardy concession of that free trade in woollen fabrics destroyed by the revolutionary king. At that time Ireland demanded and obtained something more than she seeks for, and will be now refused—liberty. “The king,” said he, “has no other title to his crown than that which you have to your liberty; both are founded, the throne and your freedom, upon the right vested in the subject to *resist by arms*, notwithstanding their oath of allegiance, any authority attempting to impose acts of power as laws, whether that authority be one man or a host, the second James or the British parliament.

“Every argument for the house of Hanover is equally an argument for the liberties of Ireland; the Act of Settlement is an act of rebellion, or the declaratory statute of 6th George I. an act of usurpation; for both cannot be law.”†

If I recal the memories suggested by the above language, it is to show how the whole system that had prevailed since the Revolution had affected the Irish heart as throbbing in the bosom of Grattan, ninety years ago—that system (“power”) which, among its other excesses, had, by means of its “clearances,” “stopped the growth of the people.” Were any man in Ireland to speak to-day the language of the immortal patriot of ’82, his fate were sealed, as is that of Messrs. O’Leary, Luby, O’Donovan Rossa, and General Burke. Such is our progress in civil liberty during the last century—slavery, gilded with liberty’s name.

This desolating system commenced shortly after the

* Speech on Declaration of Irish Rights, April 19th, 1780.

† *Ibid.*

Revolution—that “glorious Revolution,” that brought to England liberty, but chains and misery to Ireland. Its early horrors have been already partially exposed in the pictures drawn by Swift and others, as reproduced in the first chapter. In the present we shall bring our examination of the evil down to the present day, when we shall see that our modern territorial Pharaohs are as despotic in commanding “bricks to be made without straw,” and as decided in their preference for the beast to the man, as any of their Elizabethian, Cromwellian, or Williamite ancestors.

Swift, writing in or about 1724, said: “The exactions of the landlord have been a grievance of above twenty years’ standing,”* which brings them back to the days of the Revolution; and constantly, throughout his work, does he return, again and again, to his flagellation of the system of clearances, no less insane than inhuman, that prevailed in his day. Having thus furnished us with an approximate date of the inauguration of the fell policy, he tells us that: “These cruel landlords are every day unpeopling the kingdom, forbidding their miserable tenants to till the earth, against common reason and justice, and contrary to the *practice and prudence of all other nations*, by which numberless families have been forced to leave the kingdom, or stroll about and increase the number of our thieves and beggars.”† Again he says that, “As to the improvement of the land, those few who attempt that . . . through covetousness . . . by running into the fancy of grazing, after the manner of the Scythians, are every day depopulating the country.”‡ And among “the causes of any country’s flourishing,” the seventh he sets down is “by improvement of land,

* Letters to Freeman and Lafield.

† Sermon on the causes of the wretched condition of Ireland.

‡ “A Short View,” vol. ix., p. 203.

encouragement of agriculture, and thereby increasing the number of people, *without which any country, however blessed by nature, must continue poor.*"* Again, describing the condition of the people, he says: "The miserable dress and diet and dwelling of the people; the general desolation in most parts of the kingdom; the old seats of the nobility and the gentry all in ruins, and no new ones in their stead; the families of farmers *who pay great rents*, living in filth and nastiness, upon buttermilk and potatoes, without a shoe or a stocking to their feet, or a house so convenient as an English hogsty to receive them—these, indeed, may be comfortable sights to an English spectator, who comes for a short time, only to learn the language, and returns back to his own country, whither he finds all our wealth transmitted.

"*Nostra miseria magna es.* There is not one argument used to prove the riches of Ireland which is not a logical demonstration of its poverty. . . . THE RISE OF OUR RENTS IS SQUEEZED OUT OF THE VERY BLOOD AND VITALS AND CLOTHES AND DWELLINGS OF THE TENANTS, WHO LIVE WORSE THAN ENGLISH BEGGARS. . . . 'Ye are idle, ye are idle,' answered Pharaoh to the Israelites, when they complained to his majesty that they were forced to make bricks without straw."† Who is unaware of the Dean's "Modest Proposal" to clear off our "surplus population" by bringing 100,000 infants yearly to the shambles as the most dainty viands "at merry meetings, and *particularly at weddings and christenings*"? This one "remedy," he says, may supersede all others, and among them "that of quitting our animosities and factions, nor acting any longer like the Jews, who were murdering one another at the very moment their city was taken;" that "*of being a little cautious not to sell our country and conscience for nothing*;" and that "OF TEACH-

* "A Short View," vol. ix., p. 199.

† *Ibid.*, pp. 205-6-7.

ING LANDLORDS TO HAVE AT LEAST ONE DEGREE OF MERCY TOWARDS THEIR TENANTS." His "modest proposal" would, he said, if adopted, "greatly lessen the number of Papists with whom we are yearly overrun, being the principal breeders of the nation, as well as our most dangerous enemies ; who stay at home on purpose to deliver the kingdom to the Pretender, hoping to take their advantage by the absence of so many good Protestants, who have chosen rather to leave their country, than stay at home and pay their tithes against their conscience to an episcopal curate."*

But that other proposal of his, in answer to the "Craftsman," is inimitable for its drollery, and the mountain of ridicule it heaps on the depopulators and consolidators of his day. "The profitable land," writes he, "of this kingdom is, I think, usually computed at seventeen millions (*the census of 1841 makes it 18,064,300 ; including land under water it is 20,808,271 ; total, exclusive of water, 20,319,927†*), all of which I propose to turn wholly to grazing. Now, it is found by experience that one grazier and his family can manage 2,000 acres. Thus 16,800,000 acres may be managed by 8,400 families ; and a fraction of 200,000 acres will be more than sufficient for cabins, out-houses, and potato-gardens ; because it is to be understood that corn of all sorts is to be sent to us from England.

"These 8,400 families may be divided among the four provinces, according to the number of houses in each province ; and, making the equal allowance of eight to a family, the number of inhabitants will amount to 67,200 souls. To these we are to add a standing army of 20,000 English, which, together with their trulls, their bastards, and their horse-boys, will, by a gross computation, very near

* "A Short View," pp. 294-7.

* Registrar-General's Returns.

double the count, and be very sufficient for the defence and grazing of the kingdom, as well as to enrich our neighbors, expel Popery, and keep out the Pretender. And, lest the army should be at a loss for business, I think it would be very prudent to employ them in collecting the publick taxes for paying themselves and the civil list. I advise that all our owners of these lands should live constantly in England, in order to learn politeness and qualify themselves for employments ; *but*, for fear of increasing the natives in this island, that an annual draught, according to the number born every year, be exported to whatever place will bear the carriage, or transplanted to the English dominions on the American continent, as a screen between his majesty's English subjects and the savage Indians."* The fell spirit of consolidation that suggested the above withering satire is as rife and rank this day as it was one hundred and forty years ago. A goodly number were "transplanted to his majesty's dominions on the continent of America," and their deportation resulted in the loss of that continent to his majesty. In other words, the greed of Irish landlords cost England the richest colonies that she or any other country ever yet possessed. Take care, lest the same greed, unchecked, may not cost her yet more—her own very position as a first-rate nation. What Swift wrote in irony and ridicule was actually carried out as state-craft. Emigration societies were formed ; Malthusian theories prevailed ; for a time the poor-houses of New York were filled with the "deported" Irish ; until Nemesis has had her revenge, and the sons of these Irish, "early in life exiled," now threaten nothing less than disruption to the nation which "deported" their fathers.

Speaking more seriously, though not more soberly, or

* "Answer to the Craftsman," vol. ix., p. 337.

Christianly, or sensibly, elsewhere he says: "To bestow the whole kingdom on beef and mutton, and thereby drive out half the people who should eat their share, and force the rest to send as far as Egypt for bread to eat with it, is a piece of economy of which I have no comprehension."* And what man, but a sheer, blinded bigot, could comprehend the economy of such a system? Yet, governments are found to employ mercenary scribes to write it up, as the English government did Mr. Montgomery Martin, some thirty-six years ago, and a more celebrated name, Mr. Malthus, years before.

"I question," says Mr. M. T. Sadleir, "whether the broad eye of God beholds upon the face of the earth a greater mass of misery than is constantly created by these 'clearances.' Could we take from them a single case, and trace its history from the expulsion of the unfortunate wretch from his native home, 'through all his wanderings round this world of care,' as his own beautiful poet expresses it—driven from place to place, and branded as a fugitive and a vagabond everywhere, till his pilgrimage in search of employment and bread closes, perhaps, in another hemisphere, amidst strangers, who 'give him a little bread for charity'—I am persuaded few of those high-wrought cases of fictitious distress, which occasionally awake our ready sympathies, could approach the touching reality which the story would present."† And this was written over forty years ago!

Speaking of the "scheme"—as it was, like the previous one of emigration, a fixed one with the tyrant landlords to get rid of what they called the "surplus," they themselves being the real "surplus," as ever

* "Answer to a Memorial," *ibid.*, p. 212.

† "Ireland and its Evils," pp. 93 4.

devouring the produce of the land without supplying it with any equivalent—he moralizes as follows :—

“As to the cruelty of this scheme, it far exceeds the former one. In order duly to estimate it, we must attend for a moment to the condition in which the little agricultural tenant is placed. *Unlike all others*, whatever be their pursuits, he is virtually at the mercy of one individual, the landlord ; and, if that fails him, he is at once bereft of the means of subsistence, of his daily labor, and of the house that shelters him and his family (which, if he be an Irish tenant, in ninety-nine cases out of a hundred, he built himself)—*in a word, deprived at once of the benefit of his past exertions and of his future hopes.* But when a number of such are ‘cleared’ at once (to adopt the significant phrase used in the Emigration Committee, and which, we learn, is now the true patriotic practice), a crowd, comprised, of course, of both sexes and of every period of life, from helpless infancy to decrepit age, including those in the prime of their days, to whom, however, health and youth are of no avail, for there is no employment to be obtained, nor any refuge or relief to be found for the wanderers; I question whether the broad eye of God beholds upon the face of the earth a greater mass of misery than is constantly created by these clearances. . . . As to the prime promoters of and actors in such proceedings, who glory in their shame, no language can sufficiently express the turpitude of their conduct : I am persuaded none can reach their feelings ; otherwise I would attempt to bring before their recollection the numerous train of victims they have already sacrificed to their selfishness ; the happiness they have destroyed (for they are not uninformed that happiness may reside in a cottage, and even preside over the potato meal, to which their rapacity has reduced the inmates); the

misery they have created ; the premature deaths that have ensued, touching which it is for God to decide whether they will be held guiltless. I might summon from the grave, as witnesses against them and their system, those who either in the old world or the new have found *that* their sole refuge against both ; nay, that the sea might yield up its dead, the multitudes of such who have expired by the sufferings of their passage in escaping oppression, by the hardships they had afterwards to encounter. But no ! with these ‘the tyranny is overpast.’ Let, then, the surviving, and far more pitiable victims of their policy, pass in melancholy array before them, the wrecks of human happiness, unutterably miserable in appearance and reality, whose sufferings everywhere excite the commiseration of strangers. Let these

‘ Come like shadows, and depart,
Show their eyes, and grieve the heart !’

But their eyes are, perhaps, in the ends of the earth ; and as to grieving *their* heart,” &c.* And, after another scene of extermination, he says of the victim : “ Wherever he may be at this moment, I had rather be he than his oppressor. One such act suffices to make a human monster—a multitude of them, a political economist. . . . Yet Brutus is an honorable man ; so are they all, all honorable men !”† He then quotes Paley, who says that “the establishment of families” is “one of the noblest purposes to which the rich and great can convert their endeavors, by BUILDING (not destroying) cottages, and SPLITTING (not engrossing) farms.”‡

Paley’s maxim, however, has been daily reversed in

* “Ireland : its Evils and its Remedies,” pp. 139-40.

† *Ibid.* p. 142.

‡ *Ibid.* 93, 143.

Ireland for generations past, but more especially within the last twenty-one years. Had Sadleir lived within that period, and to write about all the horrors of the extermination system, never, never to be fully revealed until the great counting day before landlord and victim, how would he not wither the "human monster" with his most scorching censure? Had he read of the horrors revealed in the following statements, in what language would he not denounce the fiendish system, not alone tolerated, but sanctioned by law in a Christian country? I quote from the *Monthly Chronicle* of September, 1840:—

"The process of extermination, as we have seen, commenced after the conclusion of the war (in 1690, as we have already seen; vigorously in 1709, according to Dean Swift), *but* was infinitely aggravated by the passing of the Emancipation Act, in 1829, after which 'the gentlemen began to clear their estates of the forty-shilling freeholders who had been done away with by the act.'* For, notwithstanding the depression produced by the peace, and notwithstanding the theories of consolidation, increased produce, and surplus population, the wretched serfs who still possessed the power to vote according to the direction of their lords at a county election, were allowed to linger in possession of their little holdings, and the imagined loss which resulted from suspending the exterminating system, was compensated by the patronage derived from political importance. 'All,' says Mr. Bicheno, 'that the landlord looks at in Ireland is the quantity of rent which he can abstract from the tenant. He, therefore, encourages a redundant population *until the rents are no longer raised by competition*. Upon arriving at that point the rents are diminished, and then he has

* Evidence of Lord Donoughmore before the Roden Committee, No. 1,277.

an inducement to clear the land and increase the extent of the holdings.*

“This consideration of increasing rent operated from 1793 to 1815, in conjunction with the political importance derived from the number of freeholders. But the population at the close of the war had, in the opinion of the landlords, arrived at the point where the rents began to diminish. The people were still, however, until 1829, worth keeping in existence for the purpose of the hustings, but as soon as they were deprived of the elective franchise, by the Emancipation Act, the only remaining barrier between them and destruction was removed, and they were swept out with as little compunction as extensive devastation.

“The only returns upon this subject to which we can conveniently refer at this instant are those given in the Appendix H. to the report on the Poor Inquiry, pp. 11, 12. From these it appears that, in the six years previous to 1833, ejectment processes were entered in seventeen counties against *thirty-one thousand and odd* defendants; if we assume that each of these defendants represented a family of six persons, making altogether *an hundred and eighty-six thousand*; and, recollect, that these counties with the exception of the county of Cork, were *the smallest* counties in Ireland; we shall have a tolerable notion of the extent to which this system of depopulation is carried. No returns had been made from Leitrim, Roscommon, Dublin, Kildare, Westmeath, Wexford, Kerry, Limerick, Tipperary, Waterford, Antrim, Armagh, and Tyrone, and the number of defendants for Galway and Wicklow were not given. With regard, however, to the county of Tipperary, which forms so prominent an object in every inquiry of this nature, we have, from the testimony

* Evidence, House of Commons, 1830.

given before the Roden committee, sufficient evidence to show the real state of the case. When the Tipperary landlords requested Lord Mulgrave to favor them with larger means than they actually possessed for exterminating their own tenantry, with less trouble and more security to the perpetrators, the Lord Lieutenant directed Mr. Drummond to return that celebrated answer to which we have already adverted in our number for July. The letter is in No. 12,027 of the original evidence, and in page 86 of the Digested Abstract published by the Messrs. Longman. The letter alleged that the wholesale expulsion of cottier tenants in Tipperary was the principal cause of the disturbances in that county. This proposition involves two statements: first, that there was a wholesale expulsion of tenants, and secondly, that such expulsion was the cause of the outrages that occurred. To disprove the statement of Mr. Drummond, Lord Donoughmore, the lord lieutenant of the county, was called, and he, 'swearing by the card,' stated plumply that the assertion of Mr. Drummond concerning the wholesale expulsion was false. Mr. Howley, the Chairman or Assistant Barrister of the county, was called to support the statement of Mr. Drummond, and he said that *he was ready to mention the names of the persons* to whom the wholesale expulsion was attributed. The committee refused to hear the statement, and directed him to withdraw, and upon his return refused to allow the question to be repeated. In answer to other questions he says (No. 9,991-2), that from conferences which he had with the other assistant barristers, he found that ejectments at sessions were *more numerous in Tipperary than in any other county*, and that he himself has had more than 150 of them at *one quarter sessions*; the 150 defendants representing about 900 individuals. He adds (9,974), that a *great many other ejectments* were also brought before

the *superior courts* ; but how many he does not seem to have known. Lord Donoughmore himself states (12,073; Abstract, p. 8), that '*many* landlords in Tipperary *have been ejecting their tenants for the last nine or ten years ;*' and (*ibid.*) that '*the gentlemen began clearing their estates of the forty shilling freeholders when they had been done away with by the Emancipation Act.*' His lordship denies in terms that the expulsion of the tenantry by the landlords was *wholesale*. We know not what meaning Mr. Drummond and Lord Donoughmore may have severally annexed in their own minds to this term, neither do we know, nor, as we believe, does any one else know very exactly what precise meaning it *ought* to bear in the case. But even supposing that there is some inaccuracy in the use of the word, and that the Tipperary gentlemen are not rightly designated as 'wholesale' exterminators, we think that from the evidence of Lord Donoughmore himself it is perfectly clear, that they do a very considerable amount of business in the *retail* department. A tolerably accurate idea may be formed in other ways of the extent of the proceedings."

And he then furnishes us with the testimony of Mr. Kemmis, which will be found in the subsequent chapter. He pursues :—

"The following are a few instances of the cause and of the effect in other counties :—

"The Rev. Michael Keogh states that 114 families were ejected by one landlord, Mr. Crosby.* Mr. Cahill, civil engineer, mentions 1,126 persons as being evicted in another place.† *A great many of them died of hunger.*‡

" ' On Mr. Cassan's estate a great many were ejected. On Mr. Johnson's estate thirty-four families. Dr. Doxay

* Lewis, 80.

† Lewis, 84.

‡ *Ibid.*

ejected a few. Mr. Roe ejected some, as did many others whom I don't recollect. They scattered themselves throughout the county, *carrying discontent wherever they went*. I am convinced that this was the cause of the disturbances. They first began upon *Mr. Corby's estate*.*

"We don't exactly know the situation of these properties—they probably were in the Queen's County. Of the disturbances in that county Mr. Robert Cassidy says, in his evidence, "*They were caused by the ejection of the tenants, and the generally oppressive conduct of the persons to whom the laboring classes have been subject,*" &c. An operation of the same kind is described by Mr. Blackburne in the following words: 'Lord Stradbrook's agent, attended by the sheriff and several to assist him, went upon the lands and dispossessed his numerous body of occupants. *They prostrated the houses. The number of persons thus deprived of their homes was very large. I am sure they were above forty families; persons of all ages and sexes, and, in particular, A WOMAN IN THE EXTREMITY OF DEATH.*'† The agent here mentioned was the Mr. Blood who was subsequently murdered. We can go no farther in the production of individual instances, of which the details are so horribly revolting. The extent to which the practice goes on at present may, in the absence of returns, be inferred from the following extract of a speech delivered by Sir Robert Peel in the House of Commons, in the very last session, upon the occasion of Mr. Smith O'Brien's motion for a grant of public money to assist the ejected tenantry to emigrate to other countries:—

"'It might be correct, according to the principles of political economy, to remove the people from their small holdings, in order to throw their possessions into one large farm.

* House of Commons, 1832.

† *Ibid.*, 79.

“ ‘The giving notice to NINETY or ONE HUNDRED FAMILIES to quit their possessions, and then turning *them loose upon the world, might be the means of insuring better management of gentlemen's estates, and might be true according to the principles of political economy ; but it was not true, according to the dictates of moral principle and Christian duty, that THE LANDLORDS WERE UNDER NO OBLIGATION TO PROVIDE A SETTLEMENT ELSEWHERE for those whom they had driven from their homes, and thrust loose upon the world.*’* ”

“The committee of 1830 state, in their first report (p. 8), that *the condition of the tenantry who are ejected in order to promote the consolidation of farms, is most deplorable. IT WOULD BE IMPOSSIBLE FOR LANGUAGE TO CONVEY AN IDEA of the state of distress to which they have been reduced, or of the disease, misery, and vice which they have propagated in the towns where they have settled. They are obliged to resort to theft, and all manner of vice and iniquity, to procure a subsistence, AND A VAST NUMBER OF THEM PERISH OF WANT,†* after having undergone, as is stated in the report (p. 4), *misery and suffering such as no language can describe, and of which NO CONCEPTION can be formed, without actually beholding it ; misery and suffering, the remembrance of which prevented Van Ramer from going to sleep even after his departure from Ireland, and which compelled Mr. Curwen to declare that ‘all the waters of oblivion could never wash out the traces which the scenes of woe that he had witnessed in Ireland had impressed upon his mind.’‡* ”

“Such is the prospect which the Irish tenant has upon ejection. What, then, is he to do in so terrible a conjuncture? Let us hear the indignant eloquence of the late learned, upright, and independent Judge Fletcher,

* *Morning Chronicle*, June 16, 1840.

† H. C., 1830.

‡ “*Observations*,” vol. ii., p. 255.

upon an occasion when one of those wretches was brought before him to be tried for some outrage committed in defence of his own and his family's lives."

(This extract I shall furnish in the following chapter.)

"‘The principle of dispeopling estates,’ says Mr. Baron Foster, ‘is going on in Ireland where it can be effected. If your lordships ask me *what becomes of the surplus stock of population*, it is a matter upon which I have, in my late journeys through Ireland, ENDEAVORED TO FORM AN OPINION, and conceive that they wander about the country as mere mendicants, but that, more frequently, they betake themselves to the nearest large towns, and there occupy the most wretched hovels, in the most miserable outlets, *in the vain hope* of getting, occasionally, a day’s work. Though this expectation is too often unfounded, it is the only course possible for them to take. Their resort to these towns produces such misery as IT IS IMPOSSIBLE TO DESCRIBE.’*

"Was there ever in the world," continues the humane reviewer, "such a state of things? The DISPEOPLING of estates is going on wherever it can be effected!—that is to say, the people, who have committed no offence except that of coming into existence at the command of nature, ARE PUT TO DEATH WHEREVER IT CAN BE DONE—obliged, in the language of a committee of the legislature, already quoted, ‘*to die of want!*’ And the functionary who made this statement—one of the Queen’s judges—a man deeply imbued in the statistics of Ireland, who has been, for the greater part of his life, employed in different public capacities, which afforded him the best means of becoming acquainted with the state of the population—this man, so circumstanced, does *not know* HOW or WHERE *the ejected population perishes*. He has

* Evid. before Lords’ Committee, 1825.

been endeavoring to *form an opinion* as to the situation of THE NATIONAL MORGUE ; and, at last, he conceives that they perish principally in the towns, *after having suffered 'such misery as it is IMPOSSIBLE TO DESCRIBE.'* ”*

“ The following statement is one of the latest that has been made upon the subject, and proceeds from Mr. Smith O'Brien, who, being a landlord and a country gentleman himself, cannot be suspected of any want of sympathy with the order to which he belongs :—

“ ‘ We know, also, that, of late years, a very extensive system of ejectment has prevailed in Ireland, in order to effect the consolidation of farms for the general improvement of estates. *In the great majority of cases, I fear that such ejectment has been WHOLLY UNACCOMPANIED BY ANY CONCURRENT PROVISION FOR THE EJECTED COTTIER. Nothing can be conceived more truly deplorable than the condition of a person so ejected. From having been the occupier of a few acres of land, for which he has often paid his rent with the utmost punctuality, he now becomes a forlorn outcast, unable even to procure employment, much less to regain the occupation of land. IS IT SURPRISING THAT A POPULATION IN SUCH A STATE SHOULD BE OCCASIONALLY TEMPTED TO COMMIT ACTS OF VIOLENCE? What sympathy can they feel with the possessors of property? What to them are the advantages of law and order? Accordingly, we find that they are often stimulated to commit wrong by despair.*’ †

“ A Kerry newspaper, cited in the *Monthly Chronicle* of August 31st, 1840, states that *one landlord* in that county had thrown *two hundred and thirty-three persons* OUT UPON THE ROAD. The *Dublin Evening Post*, cited

* *Monthly Chronicle*, No. xxxi., pp. 248-9.

† Speech, H. C., June 2, 1840.

in the *Times* of the same date, says that ‘there *never was greater suffering in that country than exists at present*, and that the number and wretchedness of the unemployed and destitute were constantly augmenting.’ The *Dublin Pilot*, quoted in the *Times* of the same day, says: ‘HUNGER, DOWNRIGHT HUNGER, pervades the masses of the population, who are driven to the ditches to live upon weeds, or rather to DIE *by feeding upon them*.’ Be these the consequences which flow from the exemplary performance of their duties by the landlords? By their fruits ye shall know them. ‘A righteous man,’ says the inspired writer, ‘regards the life of even his beast;’* but the Irish landlords, in the language of Job, cause their naked (tenantry) ‘to lodge without clothing, so that they have no covering in the cold, and that they are wet with the showers of the mountains, and embrace the rock for want of a shelter.’† ‘They take away the sheaf from the hungry—from those who make oil within the walls, and who tread their wine-presses, but suffer thirst;‡ who fatten their bullocks, but never taste beef; who tend their wheat crops, but never eat bread; who till their potatoes, but are obliged themselves to live upon weeds. Such are the landlords who are the objects of the *Quarterly’s* panegyrics—landlords who, now as in the time of Swift, ‘sacrificed their oldest tenants to gain a penny an acre,’ and who, upon consideration of expediency and convenience to themselves, *put the tenants even to death by thousands*; who take advantage of the deplorable necessities of the population to extort from them a *promise of rents which the whole produce of the land is frequently insufficient to pay*; and who, after having, under so diabolical a contract, extracted the last farthing which was attainable by

* Proverbs, xi. 10.

† Job, xxiv. 7, 8.

‡ *Ibid.*, x. 11.

‘squeezing the cabins, clothes, blood, and vitals of the’ tenantry, whom they devote by expulsion to starvation, with as little ceremony and as little remorse as a scullion experiences in hunting out a rambling rat.”*

Lengthy as is the foregoing extract, I considered it well worth reproduction, as furnishing a pretty clear insight into the system of clearances as carried on years before the exterminators were happy to find an apology in the great famine of '46, and the consequent inability of many to meet their rents—rents, as we shall see in a subsequent chapter, the most disgracefully “exorbitant” ever drained from the vitals of man.

Of a piece with it is the following from the newspaper of the Anti-Corn-Law League, which is no less deserving of perusal. It is briefly prefaced as follows, by a writer in the *Dublin Review*; and shows fully forth what little protection an ordinary lease is under a grasping landlord:—

“A series of letters on Ireland,” writes he, “are now being published in the newspaper of the Anti-Corn-Law League. They contain terrible facts, as to the conduct of the landlords of Ireland. *The writer of this article has peculiar means of knowing that the matters stated in the extracts following this, are not only facts, but facts of a mitigated description, as compared with other and frequent acts of landlords in Ireland.*

“ ‘CHAPTER THE FIFTH.

“ ‘Facts of a “disturbed district.”—The law in Ireland.—The violation of leases.—Specimen cases.—P. R.—W. R.—M. D.—M.—Extracts of letter to a gentleman in London, &c., &c.

“ ‘In different parts of the county of Kilkenny, in

* *Monthly Chronicle*, No. xxii. 330-1.

several directions from the town, there were what is usually called "disturbed districts." In one place a murder had been committed, and in several others there had been attempts at murder : at all events there had been accusations against certain parties of attempting to murder ; but we shall see by-and-by, from the trials at assizes, and from other evidence, that it is no unusual thing in Ireland, and especially in a "disturbed district," to get up accusations, against certain parties, of attempted murder, for purposes which, when we come to the facts, will be easily understood.

" ' I visited several of these localities, but as the causes of disturbance in some of them were similar to what I saw in Tipperary, and have written of in the second chapter,* I shall now speak of a locality where the disturbances arose from ejectments.

" ' These ejectments were of a kind common in Ireland, but not universal. The exceptions are the "clearing away" of tenants-at-will for the non-payment of rent, or because the landlord may be a Protestant who desires to clear off a Catholic tenantry, that he may have in their stead Protestant tenants, who will be Protestant voters, and, what is to him and his party of equal importance, Protestant jurymen ! But the cases of ejectment now about to be particularized were not the cases of tenants-at-will, nor of an under-tenantry, who held their land from some one subordinate to the landlord ; they were leaseholders, holding direct from the landlord himself, under covenants as indisputably legal as any lease in Scotland or in England. The landlord never attempted to dispute the validity of the leases ; he knew that most of them had been granted by his immediate predecessor, and some by the predecessor's father. He knew that he

* *League*, Nov. 4.

could not eject any one of the tenants by disputing about the lease, but he knew that the law gave him power to eject if the tenant did not pay his rent.

“ ‘But here he encountered a difficulty. The very fact which excited him to war with the tenants operated to defeat him.

“ ‘The farms were generally held at about 30s. an acre, and from that to 40s. ; he knew the land could be let for more ; for in some cases, where farms on the same estate were not let on lease, he had raised the rent to 60s. and 70s. an acre, *and found that the people would rather pay that than renounce their holdings.* Thus, because the farms were let at a moderate rent to the leaseholders, he sought to get them into his own hands, that he might re-let them at higher rents ; but because they were cheap, the tenants kept clear of arrears ; and he, having no means of breaking through the leases, was at a considerable loss to know how to act ; but he did act, and a history of his proceedings will not only exemplify the condition of landlord and tenant in Ireland, but will, at the same time, show how the laws in Ireland can be set at defiance by a man who has money and the reputation of being a stanch adherent of the dominant party. This last fact is most necessary to be borne in mind, because the landlord now under notice has been defended by the press of the dominant party as one of the best though worst-used of churchmen. He has been heard of through the government newspapers over the world as a martyr and a Christian. How far he is entitled to the honor of either, will become apparent in the sequel. Suffice it now to say, by way of preface, in addition to what is already explained, that my authority for the following statements rests, first, on the narratives of the tenantry themselves ; second, on the account given me by a gentleman of unquestionable respectability, who for two years acted

as the agent of this landlord, but who, at last, threw up his situation out of sheer disgust at the odious work he was called upon to perform ; third, on the testimony of several magistrates and other gentlemen in the towns of Kilkenny and Thomastown ; fourth, on the information, very comprehensive and very valuable, afforded me by the solicitor who has been engaged in the defence of most of the tenants in the numerous law suits which have arisen during the last three years ; fifth, on evidence given in various cases tried at the sessions and assizes, part of which has been published in the local papers, all of which has been recorded by official persons, who furnished me with matters of importance not published ; and sixth, from what I heard with my own ears from the witnesses in the assize court.

“ ‘ The district in which this estate is situate, it may be proper to say, was, until three years ago, a peaceable one ; agrarian crime was unknown ; the people were industrious and moral, and there were no constabulary in the neighborhood, nor any need of them. It is only four years since the present landlord came to the estate ; since which he had upwards of two hundred and fifty law suits with his tenantry, has erected a police barrack on his property, and obtained from government a detachment of armed police to remain there continually.

“ ‘ The military, both cavalry and foot, have been greatly augmented in the district in the same time. Several men have been tried for their lives—some transported, and some hanged. The tenantry amount to between seventy and eighty, and the estate occupies a beautiful situation on each side of the Nore.

“ ‘ The first proceeding of the landlord was against a tenant who held on a lease of thirty-one years and a life, and who owed no arrears up to 1842. The proceedings against him began in March, 1841, and have given rise to

a complicated variety of actions at law, ending with his ejection, and utter beggary.

“The following is an extract from a letter written by the tenant to a gentleman in London, under the date of the 8th of the present month :—

“I mentioned, in my last letter, ——, of his turning me out and all my family; and we had to stop out one night in the eye of my limekiln, till my sister came and took my family with her. There were thirteen cases of his) the landlord's) this time before the sessions—civil bills and ejections—of which all were dismissed, and he had one case so bad that the barrister [this is the presiding judge at quarter sessions to whom he alludes] cried shame on him; and he has got shame enough before, and he has no mind to stop yet, after all was said to him in the public papers. He has distrained Mr. J—— C—— now, and his rent paid; and he has three chancery replevins against him, and another this day for seizing illegally on him the fourth time [this is on Mr. J—— C——]; and he canted [sold by distraint] J—— R—— to the potatoes, and did not leave his family one bit that they would eat.”

“The J—— R—— here alluded to had been a road contractor as well as farmer. The landlord alleged a debt against him, and threw him into prison. While there his contract was unperformed, and he lost it, and sacrificed his security to perform it. It was satisfactorily proved, in a court of law, that the debt never existed, that it was brought forward by the landlord at the expense of forgery and false swearing, upon which J—— R—— brought an action for false imprisonment. Had the defendant not been a landlord, the plaintiff might have prosecuted him criminally, but, being a landlord, there was no chance of succeeding against him.

“Even in the action of damages there was little hope

for J—— R—— ; but the case was so very bad, and the judge, in summing up, made such severe comments on the conduct of the landlord, that the jury gave a verdict for plaintiff. I was present at the trial, and I quote both from my notes and from the report of the trial as published from the local papers, when I give the following words as a portion of the judge's summary : "Gentlemen, if you believe that the defendant fraudulently alleged this debt against plaintiff that he might put him in prison, and ruin him, you will give a verdict accordingly. In that case you will make him worse than the man who goes boldly to the highway and robs openly. You will weigh well the evidence you have heard, and if you are satisfied that plaintiff has been injured, you will give damages accordingly. Do not give overwhelming damages ; still you must teach defendant that though he is a gentleman of rank and property, he is not to trample on a poorer man than himself with impunity." To this the jury gave a verdict for plaintiff—damages £100.

" 'This case is worth notice now, because, although the landlord, out of about two hundred and fifty actions at law, of various kinds, in less than three years, has been defeated in four-fifths of them, and though he had thirteen cases at last quarter sessions, and was defeated in all—he still triumphs. He appeals to higher courts. He does not pay the £100 damages to J—— R——. He makes an appeal, which will not be settled until some time next year. Meantime J—— R——, by being in prison, and by being involved in litigation, of which this is but a mere sample—by losing his contract for the roads, having all his implements and farming stock seized and sold while in prison—was unable to cultivate his land so as to enable him to pay his last Michaelmas

rent. The rent being less than £100, which the landlord owed him in damages, it might have been supposed that this £100 would be a set-off for the rent. But no: the letter of the 8th of November says:—"And he (the landlord) canted J—— R—— to the potatoes, and did not leave his family one bit that it would eat!"

"This J—— R——, it must be borne in mind, was a leaseholder; and never owed a farthing of rent until those proceedings were taken against him to compel him into arrears, which would justify an ejectment. His case, from first to last—from the time that he was an independent man, with as happy a family around him as lived in the queen's dominions, living in a house of his own building, with a farm-steading erected at his own expense, which are equal to any cottage or farm-steading of the same extent in England or Scotland for cleanliness, order, and substantialness—I saw them with my own eyes, and judged for myself; from the time that J—— R—— was an independent man in that farm, to the present, when he and his family are potatoless and penniless, and on the point of being ejected, the proceedings against him have been of the most extraordinary kind, and almost beyond belief. I could not detail them in less than two or three chapters, so they must, for the present, stand over. For the same reason I do not begin with the case of P—— R——, he who writes the letter to say that he is ejected, and who was the first of the leaseholders against whom the landlord proceeded. Suffice it for the present to say that P—— R—— has been five times in gaol at the suit of the landlord, and has been a party to upwards of twenty actions at law, and that he is now a *houseless, landless, penniless, potatoless outcast, though born on the estate, though a leaseholder, and though he never owed a farthing of rent until twelve months*

*after the landlord proceeded against him to break his lease ! ! ! ' ' **

Thus, should misfortune overtake an industrious Irish tenant, we see what he has to expect at the hands of the Irish landlords, of whom the above are, for the most part, the type.

Here are histories in themselves, authentic records of Irish landlordism twenty-five and thirty years ago. I defy any man, except an Irish landlord, to read them, and not feel his soul fired with honest indignation at the "diabolical" work which they depict. And yet, a few years later down, and that work was mercy itself as compared with the horrors which the same landlords feared not to perpetrate. No wonder that the territorial monsters should, in plain language, be branded as "murderers;" for, if it be murder to deprive a man unjustly of life, no matter by what means, I know of no others who have such claim to the title as the exterminating landlord. But, comment on such deeds and such a state of things is simply superfluous. Not merely for the overwhelming facts attested, but from the opinion of the most competent and dispassionate witnesses—from the late Serjeant Howley to Sir Robert Peel—it remains for ever a blasting record of Irish landlordism thirty and forty years ago, worthy of its progeny of this day.

Later down, and since the publication of the foregoing, and the delivery of Sir Robert Peel's famous speech (in 1843), no less than 170,000 small farms, of less than five acres each, were "consolidated" within the six following years. No doubt the political economist of the Malthus school will say "all right" to this wholesale clearing; but if you consult Thornton ("Plea," or "Over-population"), or Mill ("Political Economy"), you will find from them,

* Quoted in *Dublin Review*, v. xv.

that the size of the farms in Belgium, France, the Tyrol, Switzerland, Tuscany, and the Channel Islands, average only from six to ten acres. Still smaller, as we have seen, were the farms of ancient Italy previous to the expulsion of Tarquin, which were only two *jugera*, or less than two acres.* Under the Licinian law, which made the average seven *jugera*, and which remained in force for ages, the republic continued to advance in population and prosperity. Large farms proved its destruction.

In 1846, Earl Grey thus expressed himself on the clearance system : " It was undeniable that the clearance system prevailed to a great extent in Ireland ; and that such things could take place, he cared not how large a population might be suffered to grow up in a particular district, was a disgrace to a civilized country."† Lord John Russell expressed himself in terms no less strong. However, the expression of such opinions even from such high authorities had not the slightest imaginable effect. In 1849, 50,000 more families were swept off by the monster extermination. " More than 50,000 families were in that year turned out of their wretched dwellings without pity, and without a refuge. . . . We have made Ireland—I speak it deliberately—we have made it the most degraded and the most miserable country in the world. . . . All the world is crying shame upon us ; but we are equally callous to our ignominy and to the results of our misgovernment."‡

And Irishmen of to-day, lay and clerical, who presume to censure such abominations, or to speak of them but

* Niebuhr.

† Lords, March 23rd, 1846.

‡ Kay's " Social Condition and Education of the People," i. 315, &c.

with bated breath, are put down as rebels, socialists, and enemies of "law and order;" the landlords being in the minds of such people "law and order" itself, while in reality they are the greatest scourge that ever afflicted any country—the greatest disturbers of the country's peace.

CHAPTER XVI.

CONTINUATION OF THE SAME SUBJECT.

"In the midst of all these horrors—eighty deaths of starvation per month, in one parish, in the county Clare—the agent and drivers are as busy as ever sweeping hill and vale before them. Yesterday I met forty or fifty skeletons of cows, scarce able to move, driven to pound for the last May rent. On the very farm so swept and cleared of every quadruped, there is scarcely a house that is not a lazaretto. Fever is in every cabin."—*Dublin Corresp. of "Daily News," 3rd March, 1847.*

"WE confidently pronounce that the extent of peat soil in Ireland exceeds 2,830,000 English acres, of which we have shown, at least, 1,576,000 acres to consist of flat red bog; all of which, according to the opinions above declared, might be converted to the general purposes of agriculture. The remaining 1,255,000 acres form the covering of mountains, of which a very large proportion might be improved, at a small expense, for pasture, or still more beneficially applied to the purposes of plantation. We wish, indeed, it were possible to fix the attention of proprietors upon this subject, so connected with the interests of the British empire."*

Perhaps the most melancholy chapter of modern history is that which deals with the Irish famine of 1846-7, and the concomitant and consequent evictions. All the misery wrought by the one and other can only be revealed at the day of the great general reckoning, when landlord and tenant—the exterminator and the

* "Report of Bog Commissioners," 1814, p. 17.

exterminated—will stand before their common Judge both equally landless, and with no title deeds to their coming estates but their virtues, and especially that measure of mercy and love which they showed their fellow-creatures on earth.

For particulars of the famine I must refer the reader to the "Transactions of the Society of Friends," as detailed statistics of these barbarous evictions would be out of the question within the compass prescribed for this work. When we bear in mind that, during the twenty years from 1846 to 1866, our entire population dwindled down from nearly eight millions and a half to five millions and a half, we can easily fancy that none of the previous pictures of famine and eviction horrors have been overcharged.

In 1841, the census population was 8,175,124. In 1851, it had descended to 6,551,970; while, during the following decade, down to 1861, a decade during which the viceregal and general government and landlord changes rang on the increasing "prosperity" of the country, it descended still further, to the figure of 5,798,564. Now, if we bear in mind that from 1841 to 1846 there must have been an increase of over 200,000 souls, we would have the population of that year, in round numbers, 8,400,000; and next, keeping before us the continued decrease from 1861 to this, which must have still further reduced the numbers to 5,500,000 or 5,400,000, we have, as stated, the total absolute reduction—three millions, in round numbers. Of these, the last official returns (of this year) set down 1,917,077—nearly two millions, in round numbers—as emigrants *since 1851 alone*. The total decrease, therefore, by emigration must have exceeded 2,500,000; while an equal number must have actually died, and of these over a million by the government and landlord-made

famine. This is the lowest calculation. For, taking the average increase of population as a standard, our population to-day should be 12,000,000 souls. Thus, of the six millions and a half deficit, two and a half have emigrated, two and a half have died—a moiety of starvation—and two and a half have been prevented from coming into the world at all by the combined operation of the above two causes. So that the simple truth, awful as it is simple, stares us in the face, that, within the last twenty-three years, we have lost, by English government and landlord law, a million souls above our present population !!

In 1848, Captain (the late General) Larcom furnished a statistical report of the evictions and consolidations that had, even at that early stage after the famine, or, more correctly, that later stage of the terrible visitation, been effected by the landlord crowbar-brigade.

Decrease in the number of farms :—

From 1 to 5 acres	-	-	-	24,147
„ 5 to 15 „	-	-	-	27,397
„ 15 to 30 „	-	-	-	4,274
Above 30, increase	-	-	-	3,670

That is, in the words of Mr. John Mitchel, “70,000 occupiers, in all numbering about 300,000, were rooted out of the land.”

“In Leinster the decrease in the number of holdings not exceeding one acre, as compared with the decrease of 1847, was 3,749; above one and not exceeding five, 4,026; of five and not exceeding fifteen, 2,546; of from fifteen, 391; making a total of 10,000.

“In Munster the decrease in the holdings under thirty acres is stated at 18,814; the increase over thirty at 1,399.

“In Ulster, decrease, 1,502; increase, 1,134.

"In Connaught, where the labor of extermination was least, the clearance has been most extensive. There, in particular, the roots of holders of the soil were never planted beneath the surface, and consequently were exposed to every exterminator's hand. There were, in 1847, 35,634 holders of from one to five acres; in the following year they were less by 9,703. There were 74,707 holders of from five to fifteen acres; less in one year by 12,891. Those of from fifteen to thirty acres were reduced by 2,121; a total depopulation of 26,499 holders of land, exclusive of their families, was effected in Connaught in one year." In other words, there was a decrease of an agrarian, agricultural population, in that one year, in Connaught alone, of at least 132,500 souls; to which if you add at least 11,000 or 12,000 mere laborers who lived by the land, you will have a total deficit for one year, in one province alone of unhappy Ireland, of 150,000 souls!!

No wonder that honest John Mitchel—that more than Cato of Irish politics—should thus comment on the fearful havoc thus officially recorded: "On this report," writes he, "it may be remarked, that it was a list of killed and wounded in one year of carnage only, and of one class of people only. It takes no account of the dead in that multitudinous class, thinned the most by the famine, who had no land at all, but lived by the labor of their hands, and who were exposed before the others as having nothing but life to lose. . . . The slaughter by the famine was enormous this season. Here is one paragraph from among the commercial reports of the Irish papers, which will suggest more than any labored narrative could inculcate: 'Upwards of 150 ass hides have been delivered in Dublin from the county Mayo for exportation to Liverpool. The carcasses, owing to the scarcity of provisions, had been used as food.'" And Mr.

Mitchel adds : " But those who could afford to dine upon famished jackasses were few indeed. During this winter of 1848-9, hundreds of thousands perished of hunger. During this same winter the herds and harvests raised on Irish grounds were floating off to England on every tide, and during the same winter almost every steamship *from* England daily carried Irish paupers, men, women, and children, away from Liverpool and Bristol, to share the good cheer of their kinsmen at home."*

But I leave it to others to record the untold horrors of that dreadful time—made more horrible still by the indifference, nay, the very delight with which ministers and their tools, the landlords, saw the people melting away in the agonies of combined famine and eviction. My chief occupation is with the latter fell instrument of death, murder, and desolation.

The number of houses levelled between 1841 and 1861 was 270,000, representing, at least, a population of 1,300,000 human souls—all driven to the workhouse, exile, or death.

In the parish of Louisburgh *or* Kilgeever, scores of once comfortable townlands have literally been " cleared" off by the Earl of Lucan and the Marquis of Sligo—nothing is now to be seen, for miles around, but the herd and his dog, sheep and bullocks, and game. The population of that parish in 1846 was 2,200 families ; it is now reduced to about 700.

In the parish of Aughagower, Captain Houston occupies two hundred square miles, out of which every living soul, except a few herds, was banished without remorse by the Marquis of Sligo. The captain obtained a lease at a reduced rent, like every other Scotch and

* " History of Ireland," by John Mitchel, vol ii., p. 452-3.

English settler ; which the natives, of course, could never expect.*

It may be remarked that the unfortunate Mr. Hunter, recently shot dead near Newport, had graduated under the gallant captain.

* About the antecedents of this "captain" I know little. But the following letter pretty clearly illustrates his notions about "liberty" of conscience and education. In the summer of 1867, I, in company of the Rev. Patrick Ryan, C.C., of Louisburgh, visited the famous Delphi, once a summer residence of Lord Plunket. During our visit we called at a school, some time previously provided by the "captain" for the more independent, or the less dependent, of his dependents—such as could afford to pay from £1 to £3 a-year to the teacher. The poorer sort were entirely excluded. Father Ryan requested that the then Catholic teacher might be allowed to instruct them after hours, and he was peremptorily refused. A proselytizing teacher of the Irish Church Mission school is now inducted by the gallant captain. Who will say that the people are not patient, to put up with such pranks on the part of a settler? It will be seen by the following letter that he refuses any the smallest interference on the part of the Catholic clergyman in the matter of the education of his Catholic dependents:—

"Doulough, Westport, County Mayo,
24th October, 1869.

"SIR—When I had the pleasure of seeing you last week I had not then read the resolutions of the Roman Catholic bishops, nor had I seen an account of Mr. Lavelle's very objectionable speech. As I am informed that Mr. Lavelle was lately with you in Bundorragh, and, with you, made some remarks relative to the schools, I am sorry that I must now decline to allow any supervision whatever on your part with regard to the Delphi schools. I cannot permit the schoolmaster to teach under your authority at Bundorragh, nor can I allow any Roman Catholic teacher to be imposed upon the people living on my land. I am your obedient servant,

"W. HOUSTON.

"To the REV. PATRICK RYAN, C.C."

In 1841, the population of Castlebar Union

was 58,678
 In 1857, it had dwindled to 36,893
 In 1841, there were 10,314 houses.
 In 1857, only 6,200 „

The following townlands, within that union, were completely cleared by Sir Roger Palmer, with the exception of a few creatures left in bogs, and were given to his bailiff:—

	Population in 1841.	Do in 1851.	Do. in 1861.
Killiree Upper . .	243	97	16
Drunneen	172	38	70
Curnagushlane . .	200	67	67
Carha	193	101	72
Boheh	44	6	7
Lappalah	81	81	74
	933	390	306

An Englishman, Mr. Wilbraham, brother-in-law of the Marquis of Sligo, has obtained a whole country side, out of which whole villages were extirpated, in the parish of Kilgeever—that is, nine hundred and eleven souls have been driven to beggary, exile, or death, by one “master,” in one poor-law union alone, within the space of twenty years ; and that landlord has extensive property in several other unions of the county Mayo.

Another Scotchman, of the name of Simpson, holds 2,000 acres of prime land near Ballinrobe, out of which some 200 families, say 1,000 souls, were evicted by the Earl of Lucan after the famine. Of these several were well able to retain their land, and even offered to take up that for which their poorer neighbors faultlessly fell into arrear. No. The Celt must go, and they, as well as

their less independent countrymen, had to yield beneath the strokes of George Ormsby's crowbar.*

And here, too, did the noble earl display no small amount of that adroitness for which he is so much distinguished. Numbers of the "disinherited" fled, as is usual in such cases, for shelter into the little town of Ballinrobe. The divisional rates thus rose in proportion to the number of paupers. But my Lord Lucan was by no means to pay any of the penalty of his inhuman act; and, if he made paupers, let others, less poor, support them. So he manages to get the country side, which he had just devastated, into the Hollymount electoral division, in which there was only the name of a town—a small village—and into which, accordingly, the banished tenants could not congregate. I well remember, though I cannot just now lay my hand on, a correspondence which the Westport Poor Law Board of Guardians had with him, bitterly complaining of his defalcations in regard to payment of the rates. Thus, for the paupers made by his lordship on one side of the county, he made others pay, while; for a time at least, none at all was found to meet the support of those manufactured by his crowbar in the west. I know of one townland there—I have known it since my childhood—Wasteland, the tenants of which, having fallen into arrears, were, in due course, visited by the sheriff, crowbar-brigade, and the *posse comitatus* of police. The sheriff took ill, and could not execute the *habere*. Meantime, the tenants managed to scrape up a year's rent, and went with it to the office at

* It was in the crowbar demolitions of Lord Lucan, devised and executed by his agent, Mr. G. Ormsby, that the odious word "crowbar-brigade" originated. He was brother of Mr. Thomas Ormsby, who evicted the author's mother for having her married daughter in one house with her, though the old lady would be otherwise left to the care and mercy of servants.

Castlebar, a distance of twenty-five Irish miles. His lordship saw them, fine, athletic men, with visages no doubt reduced by the ordeal of hunger through which they had passed, and out of which they were just emerging, but clothed only in their wool-white *baneen*—their outer coats being, no doubt, “in the pawn.” The sight offended his noble eyes; and he ordered them summarily off, issuing peremptory instructions to have the terrible *habere* carried into immediate effect. So it was; and so is *Wasteland* now “waste” indeed.

For the radius of from one to two miles all around Castlebar nothing is to be seen to-day but vast fields, trodden by bullocks and sheep, with the everlasting “L” branded on their sides, grazing on the very sites of the fire-places of many hundred once happy homes. Here and there you may see a huge turnip and meadow field, destined for the winter support of these “flocks and herds.” How the spirits of the thousand human beings who once trod and tilled those fields must look down to-day on this beastly substitute thus made for themselves!! How the sons and daughters of those banished, murdered sires, must look back across the wide wave, and traverse, in spirit, those consolidated fields again, and with clenched fist and set teeth, and seething soul, renew their vow that, one day or other, the beast must retire, and they, the children of the disinherited, recover their rightful own again! Indeed, it is said that his lordship, having found his latifundism rather an expensive experiment—hardly paying itself—would now rather let to tenants these extensive tracts again. But, it is also said, that “no Irish need apply,” inasmuch as they must be let in large farms, such as any stray son of the former occupiers could not undertake to rent. Time, however, will duly reveal the merits of these *on dits*, as it will those of the entire inhuman system of which his

lordship, Sligo, and Palmer were the chief apostles in Mayo.

In the county Galway Mr. Allan Pollock bears away the palm. Suffice it to say that before the face of this "stranger" no less than five thousand souls had to "fly the bounds of their country and their sweet fields ;"* and that the land which God intended for the support and happiness of many men, this one man has seized, by the operation of fell English law, to himself, and handed over to beasts of the field. No doubt it must be a source of vast delight to the children of the banished "sons of the soil" to read, somewhere in the back settlements of America, that their exterminator obtained the first prize for a Leicester ram at the recent Agricultural Show in Dublin. This consoling reward must weigh with them against all the misery, sin, and death which the "human monster"—no, the "political economist"—had caused.

Perhaps the following almost incredible fact, supplied me by one of the most respected and trustworthy clergymen in Ireland—a fact vouched for by him as having come within his own personal knowledge—may illustrate the entire system. A certain landlord in his neighborhood, county Galway, got his cheap decree at quarter sessions against a tenant on his property. This was early in October; October and November passed over, and a gleam of hope began to enter the poor man's soul, that, at least, he would be permitted to pass the Christmas holidays in his old home. December was fast running out; the sun of Christmas eve had actually risen, and with it the poor man and his wife and family—when, horror of horrors! whom does he see approaching his cabin door, followed by a *posse comitatus* of the crowbar-brigade, but the sheriff, surrounded by a detach-

* "Nos patriæ fines et dulcia linquimus arva
Nos patriam fugimus."—Virgil, "Bucol."

ment of the constabulary force ! The family was flung out like vermin, and the work of demolition occupied but a few minutes. The evicted family passed that and the subsequent Christmas night with no other covering but that of the wide canopy of heaven ; as strict prohibitions had been issued to all the other tenants to harbor him on pain of similar treatment !!

Truly, in the words already quoted of Sadleir, "*one such act suffices to make a monster.*" And from it we may, without entering into further detail, form a conception of the horrors perpetrated, during the last twenty-three years especially, of the crowbar *regime*.

In the year 1858, alone, no less than eighty families were flung adrift on the shores of Blacksod bay by a Protestant clergyman. Mr. Adair, of Derryveagh notoriety, rooted out at one stroke no less than 350 souls in 1862, to make room for Scotch sheep and "kyloes." A cargo of these sheep, with their owner, his wife and child, went down on their transit from Scotland a short time after. In 1860, the present Earl of Leitrim, not alone evicted the Rev. Mr. Fitzgerald, Parish Priest of Gortliteragh, but, owing to an oversight on the part of the rev. gentleman's predecessor in having the Catholic church included in a lease for life of some land demised to himself, obtained legal possession of the church at the head of almost 1,000 of her Majesty's forces, civil and military !!!

In the barony of Erris, a tenant was actually evicted for giving lodgings to his parish priest—the pastor having no other house to shelter him—as such letting of the house, or admitting in of a lodger, was against "the rules of the estate." The late Lord Plunket "cleared" off every soul of four townlands—the two Tourmaheadies, Gortfree, and Gorteemore, and enclosed them for himself, his game, and his bullocks. The majority of those creatures had been gradually rooted out since Lord Plunket first got footing in the place from his son-in-law,

the Rev. Sir Francis Lynch Blossie. The remainder were ruthlessly expelled by the "bishop burglar," as a London paper called him, on the 21st, 22nd, and 23rd November, 1860, for having withdrawn their children from his proselytizing schools.

Thus has the history of Ireland these forty years past been a history of extermination. In extermination, as we shall see in the next chapter, we read the origin and secret of all the discontent, disaffection, agitation, and insurrection, which have prevailed, or cropped up, during all that time. What wonder, then, that Irishmen, who feel intensely the outrage done to their poor fellow-countrymen by this infamous system, should express themselves in language not precisely gauged by the measure of state-paper caution, or nauseated by that unsavory ingredient going by the name of moderation? "Moderation," indeed! when one witnesses "the cabins of the peasantry pulled down in such numbers as to give the appearance, throughout whole regions of the south, and, still more, of the west, *of a country devastated and desolated by the passage of a hostile army*,"* and "those western counties in which no man can travel without feeling that *some enormous crime has been committed by the government under which that people live*"†—and, I should add, through the landlords, whom that government has retained for the special purpose. Of the two, indeed—the landlord and the government—the latter is the greater criminal; and the Irish peasant and his advocate only regard the former as the agent of the latter, for accomplishing the nefarious ends of Celtic depopulation. And yet, peasant and advocate are accused, the one of violence of conduct, the

* *Quarterly Review*, March, 1854.

† Speech on the Regium Donum, House of Commons, 6th July, 1854, by John Bright. Abbe Peraud, "*L'Irlande Contemp.*," v. i., p. 300.

other of intemperance of speech, if they resent atrocities without parallel, for centuries, in any other country on the face of the globe.

"In comparison," says a writer in the *Dublin Review*, "to the mass of suffering which is unsparingly inflicted, the state of popular feeling and action in Ireland is quiescence itself. No; compared to the provocations they receive, we say that the blood of Irishmen is tame, is humble; nor is there any other people in Europe who would have so long brooked the wrongs they have endured, and not risen up in a simultaneous effort to shake off the annoyance of such heavy and contemptible oppressors."*

This is no less true to-day than it was thirty years ago. So much so, that even the writer of these pages stands agreeably astounded at the "quiescence" of the people of certain parts of Mayo, in the neighborhood of Westport, who partly have been, and partly are being, wed out, "cleared off"—to retain the Emigration Committee phrase—to make room for the Durhams and kyloes of a noble lord, the brother of a noble proprietor. But it may be said this is only the evidence of an interested witness—a mere Papist periodical. In answer, while I may remark that that same periodical, Papist though it be, is, and ever has been, *ultra*-Conservative in its principles, let me adduce the following testimony from an authority not to be called in question when furnishing such evidence—the report of the "Land Occupation Commissioners:—" "A reference to the evidence of most of the witnesses will show that the agricultural laborer of Ireland *continues* to suffer the greatest privations and hardships; that he *continues* to depend upon casual and precarious employment for subsistence; that he is still

* *Dublin Review*, July, 1836.

badly housed, badly fed, badly clothed, and badly paid for his labor. Our personal experience and observations during our enquiry have afforded us a melancholy confirmation of these statements ; and we cannot forbear expressing our strong sense of *the patient endurance* which the laboring classes have generally exhibited under *sufferings greater, we believe, than the people of any other country of Europe have to sustain.*"*

Be it remembered, the above was written before the wholesale clearances, that succeeded the famine, took place. I believe that, at this moment, the pen is in motion, in another side of the island, to picture still more vividly the havoc created by these exterminations, unparalleled these two thousand years. It was in reference to them that the *Times* declared, some time in 1852, I think, that "the name of an Irish landlord *stinked* in the nostrils of Christendom," or something to that effect ; and a few years previously the same authority declared as follows : "Property is there (Ireland) ruled with most savage and tyrannical sway. The landlords there exercise their rights with a hand of iron, and neglect their duties with a front of brass." The following is the entire passage :—

"The people of England have most culpably connived at a national iniquity. . . . Property ruled with savage and tyrannical sway. It exercised its rights with a hand of iron, and renounced its duties with a front of brass. The 'fat of the land,' the 'flower of its wheat,' its 'milk and its honey,' flowed from its shores, in tribute to the ruthless absentee, or his less guilty cousin, the usurious lender. It was all drain and no return. But if strength and industry fared but ill in a land where capital was in

* Quoted in the "Transactions during the Famine in Ireland, by the Society of Friends," pp. 7-8.

perpetual flux and decay, how much more poverty and weakness? In an integral part of the British empire, on the soil trodden by a British sovereign, the landowner was allowed to sweep away the produce of the earth without leaving even a gleanings for them that were ready to perish. And they did perish year by year continually from sheer destitution. The whole Irish people were debased by the spectacle and contact of licensed mendicancy and recognized starvation. England stupidly winked at this tyranny. Ready enough to vindicate political rights, it did not avenge the poor. It is now paying for that connivance."*

Surely the *Times* will not be suspected of exaggeration in its censures of Irish 'landlordism, and much less so of English government in Ireland. Yet it so depicts one and the other, the immediate culprit and the equally guilty accomplice, as to justify any amount of resistance, in any feasible way, to one and the other.

Some eleven years later down, his Grace the Most Rev. Dr. M'Hale, Archbishop of Tuam, in a letter addressed to the late Lord Palmerston, complained that "not only did all these evils subsist in all their vigor," but that "they were even aggravated; and that, during the last three years, not a single legislative act had been passed to root out the evil, or to abate its violence."†

Yet, in the words of a real philanthropist, "to put a stop to these clearances, WHICH INFLICT MORE MISERY THAN AN INVASION, IS TO INTERFERE WITH THE RIGHTS OF PROPERTY"!‡

In this landlord sentiment is contained the very essence of the land-evil of Ireland. Dissipate the fundamental illusion that the Creator destined the landlord as exclu-

* *Times*, Feb. 25th, 1847.

† 15th Nov., 1858.

‡ Sadleir, "Ireland, its Evils and its Remedies."

sively entitled, if he will, to profit of the land ; that He created the land solely for the man called landlord, and his, "to do with it as he liked;" school the "proprietor" into the elementary lesson that the land was made for all, subject to the operation of laws meant for the benefit of all, and founded on the immutable truth that God is no exceptor of persons, and that while He willed that there should be grades in society—some richer, some poorer, some great, some lowly, some powerful, some weak—He never destined that the rich, the great, and the powerful should use their wealth, position, and power for the destruction of their fellow-men, as dear to their common Creator (if not dearer for their misery) as the highest and proudest amongst themselves.

To me it is utterly astounding that landlords of the Protestant creed, whom I must, therefore, according to themselves, call "Biblical landlords," should rise from the perusal of their Bible, denouncing woe and malediction, in its every page, on the oppressor of "the poor and broken of heart, to put them to death," and yet sally forth with "notice to quit," ejectment sheriff, crow-bar brigade, police, and dragoons, to exterminate their fellow men, whose right, before High Heaven, to "inhabit the land" is as original, as high, and as sacred as their own. Yet, as we shall see, the canting, psalm-singing, Bible-reading Cromwellian, was almost the first to inaugurate the reign of rack-renting, extermination, consolidation, and all manner of oppression up to this day.

With this I think I may fairly close my chapter on "Evictions and Consolidations," and their deplorable results ; and I demand how long is such unlimited, irresponsible, power, as we have seen thus ruthlessly exercised, to be left in landlords' hands? In what other country under heaven would it be tolerated, not as it has been in Ireland, for generations, but even for the

space of a single year? And are we rash in hoping that another year will not have elapsed until it shall be swept away—for ever?

Else are we driven to ask :—

When tyranny's pampered and purple-clad minions
Drive forth the lone widow and orphans to die,
Shall no angel of vengeance unfurl his red pinions,
And, grasping sharp thunderbolts, rush from on high?

“Pity! oh, pity! a little while spare me;
My baby is sick—I am feeble and poor;
In the cold winter blast, from my hut if you tear me,
My lord, we must die on the desolate moor.”

'Tis vain, for the despot replies but with laughter,
While rudely his serfs thrust her forth on the wold;
Her cabin is blazing from threshold to rafter,
And she crawls o'er the mountain, sick, weeping, and cold.

.

Vainly she tries in her bosom to cherish
Her sick infant boy, 'mid the horrors around,
Till, faint and despairing, she sees her babe perish;
Then lifeless she sinks on the snow-covered ground.

CHAPTER XVII.

“AGRARIAN OUTRAGES.”

. . . . “Let any parent make the case his own. When we are assembled at the domestic hearth, with our family about us, let us bring home to our bosom the bare apprehension, that for exercising an undoubted privilege, not only recognized but actually enjoined by the constitution, it were in the power of some brutal tyrant, some abortive, stunted upstart of yesterday, of whom gold, amassed by speculation and public plunder, is the sole nobility, to put out our fire, and drive us away far from that pleasant home; let us suppose him, by the word of his power, destroying our only means of providing for that bright and joyous circle, and turning our children and ourselves adrift to lead a vagrant, hopeless, scrambling life—disowned, rejected, persecuted, and maligned; could we bear it? Where is the father’s heart that could endure it? What reverence for the law, what sacredness of private property, what abstract right of men to do as they please with their own, would be of force to restrain our thoughts from dark imaginings, and our hands from giving them effect? *We frankly avow that we would not submit to such treatment, but would take the law into our own hands, and, if possible, redress ourselves.* Our children have a *right divine* to claim from us that *protection* which may be denied to them elsewhere; and we cannot recognize any human obligation which should or could constrain us to reject such an appeal. *No man owes a moral obligation* to an exterminating decree. No man, pretending or deserving to be free, would pay it an outward homage one moment longer than superior force compelled him to bow his neck under its intolerable yoke. These are our deliberate sentiments—the decisions of a mind tutored, perhaps, by some small share of philosophy, and, at all events, not provoked to a passionate or hasty judgment by the sense of personal wrong.”—*Dublin Review*, vol. I., p. 479-80.

THIS, no doubt, is a very strong passage, especially as coming from such a conservative source, and “a mind,” too, “tutored by some small share of philosophy,” nor the victim himself “of personal wrong.” And yet, it is but the language of nature.

Some time ago I was at dinner with a pretty extensive Irish land owner, himself an Englishman, and, having

asked him to picture to himself, as the victim, such a scene as that above-mentioned, I inquired of him what would he do in such a case? And his immediate answer was, "I would shoot the landlord."

It is, no doubt, a desperate remedy; nor do I undertake its justification or palliation any further than by quoting the extract reproduced. As a mere matter of fact there is no "law," no legal protection whatsoever, for the unfortunate millions of Irish tenants-at-will, who live, or rather die a living death, at the whim of a ruthless class, whose very consciousness of the wholesale crimes on which their territorial titles are grounded, only makes them more inveterate in the fiendish exercise of the unlimited power which these wicked titles and wicked laws confer.

In a word, the Irish landlord and tenant live in a state of war—protracted during two centuries. The one is fortified by any amount of iniquitous statutes, all in open violation of the provisions of the common law, which makes depopulation a felony;* while the other is left to such defence against cruel and unmerited aggression as the instincts of nature may suggest. If, in the words of Sir John Davies, "in the time of peace, the Irish are more fearful to offend the law than the English or any other nation whatsoever;"† so, feeling that their state is not one of peace, but of unjust and cruel, because always aggressive, war, aggravated by every circumstance of barbarity, they do not scruple having recourse to a kind of warlike resistance to maddening wrong. The noble conspirators of the English Revolution, which extinguished a royal dynasty, had not a tithe of the provocations which have daily invited the Irish peasant to desperate retaliation these

* *Vide supra.*

† "Histor. Tracts," p. 200.

hundred years. The wonder is, that, considering the temptations in his way, the latter has been so forbearing. Were certain Mayo landlords to attempt their brutal pranks anywhere else in the globe, their life were not worth to them twenty-four hours' tenure.

"They submit," says the *Dublin Review*, "to the heartless resentment of landlords, who visit them with confiscation and banishment for daring to assert a constitutional right—a right as clear as that of any landlord to his estate. They look with wondrous calmness at their wives and helpless little ones driven from the shelter of a crib, which humanity would weep to see closed against a brute. Nor among the pitying bystanders, who witness those scenes of barbarous devastation, does even one hearty, honest curse, such as 'the Recording Angel' himself might not wish to blot, rise up to heaven against the authors of so much misery. The sentiment of commiseration absorbs every other feeling. . . .

"There are, indeed, exceptions to this general rule of patient endurance. Some indignant spirit breaks out occasionally against persecution; and those wild combinations which, some years ago, kept the whole community and government in terror, can yet summon their scattered adherents to take vengeance for oppression to which all feel they are subject. . . . But, in comparison to the mass of suffering which is unsparingly inflicted, the state of popular feeling in Ireland is quiescence itself. . . . Compared to the provocations they receive, we say that the blood of Irishmen 'is tame, is humble,' nor is there any other people in Europe who would so long have brooked the wrongs they have endured, and not risen up in a simultaneous effort to shake off the annoyance of such puny and con-

temptible oppressors.* Yet, if a heartless depopulator meets with a terrible retribution at the hands of an outraged parent, or the child of outraged parents, the entire press of England and the West British Irish press join in a discordant scream of "Irish murderers," "agrarian outrage," "blood-thirsty ruffian"—never bearing in mind that the exterminator was immeasurably a greater criminal than the assassin, by his heartless cruelty provoking the retaliation.

Thus far, however, we have seen the essential cruelty and the direful effects to the evicted of these evictions and consolidations. And these lead us on in natural order to consider their natural result in what are called "AGRARIAN OUTRAGES."

This term is, by a perversity of nomenclature, confined to the "outrages" committed by the maddened tenant on the author of his ruin; while the not less (if not more) criminal "outrage" and iniquity of the landlord against the tenant goes by the mild name of the "exercise of his rights."

The fact cannot be gainsaid that the relations between landlord and tenant in Ireland are—a state of war; "the relations," in the language of a profound writer, "*of mutual murder.*"† "The people, who committed no offence, except that of coming into existence at the command of nature, ARE PUT TO DEATH, wherever it can be done," says the writer in the *Monthly Chronicle* already quoted. The essential difference between the landlord murderer and the tenant assassin is, first, that the former, by regular process of what is called law, "puts to death" people who committed no offence; secondly, he thus legally murders away wholesale; while the unfortunate tenant flies in the face of the iniquitous

* *Dublin Review*, *supra*.

† *Ibid*.

law, and strives to be revenged, at a single stroke, on his own, and the murderer of his wife and family.

Similar barbarous excesses produced, as we have just seen, the repeated agrarian organized commotions of the fifteenth and sixteenth centuries in England. In Ireland they have had an equally natural, though not so extensive a result. I am far from meaning to apologize for these desperate deeds, two of which, thus provoked in Queen's County and Galway, have so recently startled the country.* But I wish to be impartial in my distribution of blame; and I now again repeat it, that the law, the law-makers (all landlords, be it ever borne in mind), and the landlords, are far more criminal in provoking retaliation for cruel, murderous wrong, than the distracted wretch whom territorial savagery has driven to desperation. And I candidly avow I feel just as horrified when I hear or read of one of those heartless, heart-rending eviction scenes, as when, next week, I am informed that the exterminator has narrowly escaped retribution. I am satisfied that for the one man who sympathized with Mr. Scully on the occasion of the desperate attack made on him last year, while, surrounded by police, he went "enforcing his rights," twenty extended their sympathy to the destined victims of his rapacity, and even to the desperate parties who had well nigh sent him to a premature grave.

"We console ourselves," says a writer in the *Quarterly Review*, "with the epithet 'agrarian.' It is, indeed, undoubtedly true that these outrages are connected *with the possession of land*; that land is of the utmost importance to the Irish peasant; that his LIVING DEPENDS ON IT; and that when he is threatened with STARVATION

* A third, that of Mr. Hunter, has since occurred near Newport, in this county. See Appendix.

by EJECTMENT of any kind, violence MIGHT WELL BE expected."* And, again, "Let us not be supposed to remedy the evil of a surplus population, accumulated on the estates through the negligence of the landlords, by turning the miserable paupers into the roads and ditches. Over-population is a great evil, but if such steps should be taken to cure it, Ireland can expect nothing but a more AWFUL CURSE and a HEAVIER VENGEANCE."†

I take the following statement from a treatise entitled "Ireland as it Was":—

"And to their harshness as landlords, their predilections as magistrates, their strong political feeling and bigoted tendencies, are ascribable those *dreadful* outrages occasionally perpetrated by *unthinking* wretches, who, in the madness of despair, combine in murderous and devastating associations."‡ Comment on such evidence from such a quarter were superfluous.

The following evidence, furnished to the committee of 1839, will show the intimate and essential connection between the eviction of the tenant and the assassination of the landlord:§—

"Captain Warburton (a resident magistrate) said the murders and outrages that have happened lately in Galway have risen from disputes about *land*. *The principal and primary object of all associations among the peasantry is the taking and keeping of LAND.* 'I am not aware of any conspiracy among the peasantry of Ireland not IMMEDIATELY connected with LAND.' "||

Fenianism had not then made its appearance; but had the land question been settled, Fenianism had never "startled us out of our propriety."

* *Quarterly Review*, Dec., 1840.

† *Ibid.*

‡ "Stanley Com. on Ireland," p. 132. "Ireland as it Was," p. 91.

§ See *Dublin Review*, vol. x.

|| Com. of 1839, qq. 9,379 to 9,421, 9,382.

No wonder, indeed, when, in the words of Blackburne, "land to the Irish peasant is a necessary of life."*

Captain Warburton further says that "the threatening notices lately served upon the farmers in the county of Clare were produced by the *anxiety of the poor people to get conacre*. And the late *outrages* in Clare have been *put an end to* by giving the people *some ground for potatoes*."†

Mr. Barrington says : "The general cause of outrages at all times in Ireland is anxiety to possess *land*; such has been the case since 1761. Whilst I have been crown solicitor (for five and twenty years) I could trace almost *every outrage* to some dispute about *land*."‡

"Colonel Shaw Kennedy says the great groundwork of all Whiteboy offences is connected with land. Whatever affects the tenancy of land will also affect crime."§

"Mr. Howley (late Serjeant) says that, from conferences with other barristers, it appears that ejectments at sessions are more numerous in Tipperary than in any other county, and that he himself has had more than 150 at one session. There are also a great many ejectments brought in the superior courts."|| (And, accordingly, they shot down the landlords in Tipperary into terrified submission.)

"Mr. Piers Gale says that *outrage* has almost always a connection with land,¶ and also that if a man is deprived of his *land*, he has little to depend upon, and is, therefore, extremely reluctant to leave the *ground*, and indignant at any person that takes it over his head."**

* Above.

† Com. of 1839, qq. 7,636, 7,343.

‡ Ibid. qq. 7,346-7.

§ Ibid. qq. 9,991-2-7.

|| Ibid. qq. 266, 282-6-91.

¶ Ibid. q. 8,605.

** Ibid. q. 8,605.

Mr. Kemmis says that "the great majority of violent crimes in Tipperary are produced by turning tenants out of possession—three-fourths, or more."*

And I may here interpose that these Tipperary clearances were the *fons* and *origo* of that Tipperary tradition, as much alive to-day as it was thirty years ago—the life of the evicting landlord for that of the evicted family.

"Major Warburton says, the destitution produced by *turning persons out of their land, when they have no other means of existence*, is a very great source of crime, as such a state of things *must naturally* involve the people in *criminal endeavors* to procure *the means of maintaining their families*."†

And again, "That such a state of things *must necessarily involve people in crime*, when they are reduced to *destitution* by being *turned out of their lands* without having *any means* of subsistence." He also states that "the causes which produce crime and outrage at present, are the same causes which, for many years back, have produced the same results."‡

"Mr. Tomkins Brew says, the cause of Terryaltism in Clare was *the tenants receiving 'notice to quit'*; that the people of Clare are, in many districts, in a state of great destitution, and likely to be worse next year; that the attacks on houses in Clare, in 1837, proceeded from the scarcity of provisions—when a supply came the outrages all ceased."§

"Mr. Tabiteau says that there is great destitution in his district (Tipperary); that the disturbances mostly prevail during the *season when there is no employment*; that when they have no employment they have *nothing*

* Com., 7,149-67; 434-5-6.

† Ibid., 1,266-7-8.

‡ Ibid., 1,272.

§ Ibid., 12,715; 12,726; 13,048.

to depend upon, unless they can get a *bit of ground*; and that *something about land* is the cause of *all* the murders committed there."* Also—"that ejectment is synonymous with reducing the cottier to destitution and misery."†

"Sir William Somerville says that the only violent outrage he can recollect in Meath for three or four years is the murder of Mr. Hatch, which was committed 'for the old cause of *ejectment*,' he having turned out a tenant."‡

"Mr. Matthew Barrington says, *the actual existence of the peasantry depends upon their having land; and the whole disturbances of the country are produced by a desire to possess it.*"§

"Mr. William Kemmis (above cited) is crown solicitor for the Leinster circuit, which includes Tipperary. He is also crown solicitor for the county and city of Dublin. He is also the solicitor to the Treasury in Ireland. He has held all the offices for the same time—namely, eight-and-thirty years; and he succeeded his father, who was crown solicitor for all Ireland. He states that for these eight-and-thirty years he has not missed a circuit; and, from the circumstances above enumerated, we suppose it will be easily taken for granted that he is in principle a Conservative at the least, and can have no want of sympathy with the landlords of Tipperary. Now, this gentleman states,|| "*that three-fourths, or MORE, of the crimes committed in Tipperary are produced by the LANDLORDS TURNING THE TENANTS OUT OF POSSESSION.*" If there be any truth in the general accounts which we see and hear of the amount of crime in that county, we can easily

* Com. 9,735, 9,914, 9,739, 9,746. § Roden Committee, 764.

† *Ibid.*, 9, 720.

|| "Abstract," page 9.

‡ *Ibid.*, 14,591.

judge of the extent of the cause from the extent of the effect—of the amount of ejectments from the amount of outrages.

“Lord Powerscourt gives us, in page 127 of his pamphlet,* the following extract of a speech delivered by the Very Rev. Mr. Laffan, at a dinner in Thurles, where Lord Lismore presided, in November, 1838 :—

“ ‘ There is no man who abhors the crime of murder more than I do ; but I know that these murders and outrages are the offspring of oppression. I can tell your lordship that there are savages in broadcloth as well as in frieze. It may not be believed by men like your lordship, who have kindly hearts in their bosoms ; but what would your lordship think of the man that would go to the cabin *and turn out a woman who was ON THE EVE OF CHILDBIRTH, and who afterwards was DELIVERED IN THE OPEN AIR?* *What, my lord, must be the feelings of the husband of that poor woman?* *Such scenes, my lord, are NOT OF UNFREQUENT OCCURRENCE in this county.* ”

“ This statement was addressed, at a public meeting in Tipperary, to a landlord residing in that county, who must be taken to have assented to the truth of the assertion, and who probably had cognizance of the fact ; whilst Lord Powerscourt himself does not *go through even the form of expressing* his own disbelief in the correctness of the statement.

“ Mr. Drummond says ‘ the *subdivision of land* no longer proceeds as heretofore ; it is now checked, and a *contrary process* is taking place by the *enlargement and consolidation of farms*, while the population, which depends upon the land alone for support, is still increasing. The demand

* “ The Merits of the Whigs.”

for *land* is consequently, and of necessity, *greater than it was before*; while there is a decrease in the supply of it, arising from the consolidation of farms. In a former answer I alluded to that circumstance with reference to the state of crime, showing that a *great proportion of the violent infractions of the law prevalent proceeded from this class*, and that, as long as from any cause there is increasing destitution, there will, as a matter of course, be increasing crime.'**

"Judge Moore says that the outrages in Clare, Galway, and Limerick, in 1830 and 1831, arose from the pressure on the lower orders by the extreme price of *potato land*. The people turned up the *green ground* in order to increase the quantity and diminish the price of *potato ground*."†

"Mr. Sylvanus Jones says that the outrages committed in Wexford, lately, have been the result of persons taking the land over the heads of others.‡ 'Outrage has almost always a connection with land. If a poor man is deprived of his land he has little to depend upon, and is, therefore, extremely reluctant to leave the ground, and indignant at any person that takes it over his head.'§

"The two great causes of outrage are faction fights and disputes about land."||

"In Roscommon, Leitrim, and Sligo, the outrages arise from taking the land."¶

And finally, "Mr. Barnes (another resident magistrate) says that the murders in Longford were the consequence of people being turned off their land and strangers put in."**

* Com. 14,024.

† *Ibid.* 14,375, 14,379.

‡ *Ibid.* 14,475.

§ *Ibid.* 8,605.

|| *Ibid.* Mr. Seed, 10,736.

¶ *Ibid.* Mr. Hickman, 8,331-2-3-4, 8,605.

** *Ibid.* 11,755-6-8—Vide *Dublin Review*, vol. x.

I think no evidence could be more overwhelming than the foregoing, as bringing home to the door of the landlords all the responsibility of those "agrarian outrages," so much so that not alone "murderer," "assassin," but also "suicide," might be branded on the brow of every exterminator in the land. He tempts poor, weak, human nature beyond endurance; and whenever he pays the penalty in maiming or death, he only reaps the fruit of his own previous "agrarian outrage."

"There is no man," says Father Laffan, "abhors the crime of murder more than I do, but I know that those murders and outrages are the offspring of oppression."

"What," asked Judge Fletcher, "is the wretched peasant to do? Hunted from the spot where he had first drawn his breath—where he had first seen the light of heaven—incapable of procuring any other means of subsistence—can we be surprised that, being of unenlightened and uneducated habits, he should rush upon the perpetration of crimes followed by the punishment of the rope and the gibbet? NOTHING REMAINS FOR THEM, THUS HARASSED, THUS DESTITUTE, BUT WITH A STRONG HAND to deter the stranger from intruding upon their farms, and to extort from the weakness of their landlords—from whose gratitude and good feelings they have failed to win it—a sort of a preference for the ancient tenantry."*

Coming from any man, but especially a judge of the land, this is emphatic language—almost apologetic of those "crimes" which it deplores. The sentiment has been before the country for so many years, and yet not one that I know has attempted to question its confor-

* Charge to the Grand Jury of county Waterford, July, 1814, "Pamphleteer," iv., p. 785.

mity with the eternal principle of self-preservation. It is, I presume, on that principle that Mr. John Mitchel positively defends, at this hour, the slaying of exterminating landlords. Abhorring assassination, as every man of moral principle must abhor it, he still regards the landlords and tenants of Ireland as in a state of war. The former, who are the few, are technically sustained by what they themselves call law, what common sense—a sense of common right and justice—must ever characterize as iniquity. The others are abandoned to the unruly will and selfish passions of these favored few. The one are “hedged in” by a hundred and one provisions of a positive iniquitous code; the others are, in plain terms, placed without the pale of protection. Where, then, are these latter to seek protection or redress for maddening wrong? Not from the law, which legalizes the wrong. Not from opinion, which has hitherto been expressed only by the mouthpieces of the law-makers; therefore, only from themselves, according to the dictates of that immutable principle:—

“Vim vi repellere licet.”

“Force may be repulsed by force.”

I cannot forbear adding the following sensible extract from the *Dublin Review* quoted above:—

“The persecutors and slanderers of this people talk of their untamable, fierce, and vindictive nature. But, if they believed what they say, would they dare to oppress and to harass them as they do? Would they expel fathers, mothers, infants at the breast, and tottering age, if they really thought that blood alone could slake the burning heart of a ruined Irish peasant? No! Too well we know that these *domestic tyrants* are inaccessible to pity. No sentiment of kindness, no horror of

the calamities meditated against their fellow-creatures, fellow-countrymen, and fellow-Christians, can make them relax their stern code of proscription. But they are not reckless of their own safety. Dogged and perverse though they be, an unfeigned apprehension of consequences to themselves—consequences which would seem to be inevitable were the Irish peasant the tiger which their invention would paint him—would restrain the arm which pity clasps in vain. Fear and prudence would operate where nature is rudely thrust aside, and the intercession of Christian charity, like its Sacred Author, is mocked, reviled, and spat upon. But the persecution goes on. Never before was it more immitigably active; and yet its authors walk abroad, unhurt by any lash, unless conscience, unseen, and in its own secret hour, may apply its scorpions to their soul.”*

“Conscience,” indeed, in a veritable Irish landlord! “Conscience” in a wolf among a flock of lambs! “Conscience,” to descend even lower for a more appropriate illustration, in a “‘Dog Billy’ devastating a pit of rats!” Such is the conscience of an Irish exterminator—never touched till, with the echo of that deadly musket shot, it awakes in another world, to see and vainly lament all the atrocities of which it had been in life the unheeding, unfeeling author.

Again, three years later down, commenting on Mr. Smith O’Brien’s famous speech in the House of Commons on “the causes of discontent in Ireland,”† the same philosophic authority says: “The most immediately important and most painfully interesting topic which Mr. O’Brien dealt with was, undoubtedly, that which occupied the greater portion of the last extract

* *Du’lin Review.*

† 4th July 1843.

which we have made from him. We allude to the relations between landlord and tenant in Ireland. There is no other name for them but that they are relations of MUTUAL MURDER! *Let all that is mean, cruel, unfair, unjust, tyrannous, and to the tenant ruinous* in the conduct of a landlord, be conceived on the one hand, and some idea may be formed of what is *the rule*, not the exception, in the conduct of Irish landlords and their stony-hearted agents. On the other hand, there is submission for awhile, and, in many cases, submission to the last, on the part of the *tenant*. *In thousands of cases*, when the native of other countries would be driven to the utmost ferocity of desperation by seeing himself ruined, expelled from his cabin, and left with his sick wife and perishing children houseless and penniless on the bleak roadside, the Irish peasant, influenced by his religion, has been known to endure and not turn on his *ruthless* and *fiendish oppressor and destroyer*. Not a word is said of these cases; though to them the cases of retaliatory murder are not as one to five thousand. . . . *Instead of wondering at their occurrence*, he who is acquainted with the conduct of the *bulk of the landlords* of Ireland will far more wonder *that these horrible crimes are not heard of every day*.

“The mind revolts from saying anything that would appear to be an attempt at extenuating these horrible *mutual murders* between the owners and occupiers of land in our unhappy country. And yet the interests of truth demand that, to enable a right judgment to be formed of the nature of these crimes, one perilous incentive or temptation towards them, supplied by extraneous causes, should be noticed.”*

In other words, as long as Irish landlords evict, or

* *Dublin Review*, Dec., 1843.

have the power to evict, without cause or justice, Irish tenants, possessed of the instincts of human nature as they are, will infallibly slay these Irish landlords. I know at this moment men—mere peasants, “uneducated,” if you will, but yet honest, upright, and industrious; nay, even what might be called religious men—who, if they were evicted, or seriously threatened with eviction, would face death in all its horrors to be avenged. And the same “interests of truth” that inspired the writer above quoted to “notice the incentives and temptations” to agrarian crime of one class supplied by no less culpable agrarian crime of another, impels me to declare my conviction that never was the resolve of self-defence more settled in the people’s breasts throughout Ireland than it is at present. When the news of the daring noonday attempt on Captain Lambert reached Galway, what was the first remark of a man who heard it? “Thank God,” cried he, “it has crossed the Shannon at last.”* It has crossed the Shannon, and, rinderpest-like, if it once take root, it may become contagious. I have serious apprehensions that if one Mayo exterminator and despot were to fall, many more of his class would soon follow in his wake. Let the truth be spoken at any cost, not by way of menace, but by way of wholesome warning. Crime, it is remarked, is contagious. Whenever a crime of a certain hue of atrocity is committed in England, several more of the same class are pretty sure to follow in its wake. Would it not be wise to remove the tempting cause of Irish agrarian outrage? With far less cause the free people of America do not hesitate to take, not merely the life of the owner of property claiming his own, but even that of the officer of the law employed in its execution.

* It has crossed to Western Mayo since.

The following extract pretty clearly and painfully demonstrates this :—

“ALBANY, July 26.—This afternoon Deputy-Sheriff Gregg, of Rensselaer county, with a posse numbering twenty men, went to the residence of a farmer named Dennison, in East Greenbush, to levy on his goods for non-payment of rent. On reaching the place they found gathered about the premises about forty men. Not expecting any trouble, the sheriff proceeded in the discharge of his duty ; but was obstructed by the owner of the property. The sheriff then attempted to take Dennison into custody, but the crowd opened fire upon the posse with guns and pistols, when Sheriff Gregg was, it is feared, mortally, and Leonard J. Wilbeck and Mr. Woods seriously wounded. The sheriff's posse then made a hasty retreat. It was reported that five of the posse were wounded, but the above are the only names given.”*

In Dundee, a short time ago, a woman flung a bottle of vitriol in the face of the sheriff's man who came to evict her for non-payment of rent. Were she Irish she would be called “savage” for the deed.

Mr. Binn, already referred to, goes somewhat farther than the previous writer, and discovers causes not alone to palliate, but to justify, those terrible retributions.

“If,” said he, “the outrages committed by the Irish people are incapable of vindication, facts and circumstances may, at least, be produced in extenuation. On impartial consideration, it will be apparent that the very worst are certainly not more cruel and vindictive than any other people under similar treatment ; and the outrages of which they were guilty were, in fact, for the most part, the natural growth of the policy adopted

* *New York Tribune*, July 27, 1869.

towards them. We often heard, for instance, of murders being perpetrated upon such as took land from which others have been ejected ; and it is possible that Englishmen, knowing that similar effects do not follow from similar causes in this country (England), may be disposed to consider a case clearly made out against the Irish. Between the respective systems of taking land in England and Ireland there is this material difference, however—so material as to render any analogy that may be drawn a very imperfect and fallacious mode of reasoning. An English farmer, when ejected, *having little or no difficulty in getting another farm, has nothing to dread*. In Ireland, when a man is ejected it is next to impossible for him to find a farm at liberty. . . . In this manner great numbers have been turned adrift—not because of arrear of rent—not because they had transgressed the rules of their lease—but, simply, because they happened to possess a religious or political creed at variance with that of a capricious landlord. It cannot certainly be denied that, systematically and wickedly oppressed as the Irish laborers are, *to rise in self-defence is at least a NATURAL course* of proceeding, however fearful in its consequences. . . . Outrages thus caused are frequently misrepresented, for the very worst of purposes, as arising out of political or religious animosities ; and hence it is that in the minds of those unacquainted with the peculiar condition and circumstances of the country, prejudices, more easily rooted than removed, are established against the religion and politics thus stigmatized and calumniated.”*

Elsewhere he goes much farther, as we have seen,—when he declares that “the wrongs which they (the Irish tenants) have endured, &c., &c., would have JUSTIFIED (not merely “palliated”) a course of conduct (even) in-

* “Miseries and Beauties,” &c., vol. ii., pp. 419, &c.

comparably more violent than any which Ireland, in her wildest moments, in her fiercest paroxysms of excitement, has displayed."*

Mr. Pim, now M.P. for Dublin, while he guards against either "extenuation" or "palliation" of those outrages, hesitates not, however, to point out the causes and to censure the laws in which they find their origin. "Experience," says he, "has abundantly shown that it is not sufficient to endeavor to repress crime by the terrors of the law; it is also necessary to search out the proximate and remote causes, and, by removing the temptation to crime, to diminish the amount. Far be it from us to extenuate the enormity or to palliate the guilt of these dreadful outrages; yet they have exciting causes which, if possible, should be removed. The objects of these agrarian disturbances are various, but they always imply a contest between the landlords and tenants—whether to obtain the possession of land, to prevent ejectment, to obtain a reduction, *to prevent an advance in rents*, or from vindictive motives. . . . We are convinced that if a good system of laws for the regulation of real property had existed, so large an amount of agrarian crime would never have disgraced our country."† Thus do we find the Conservative Catholic and the Liberal Protestant periodicals, the foremost of their class, concur with the temperate Quaker—himself a large and excellent landed proprietor—in their estimate of the causes and the remedy of these deplorable explosions.

"This law"—the Irish land law of eviction, rack-rents, absenteeism, &c.—says another ultra-Tory periodical, the *Quarterly Review*, which we quote elsewhere; "*this law*

* Supra (vol. ii. p. 414).

† "Transactions of the Central Relief Committee of the Society of Friends," &c., p. 126.

we expect this unhappy population to cherish, venerate, and implicitly obey! Shame! SHAME!!"*

"More misery," says the *Times*, "is crowded into a single province in Ireland than can be found in all the rest of Europe put together. To this pass are things come: in order to benefit a small knot of haughty, unfeeling, rapacious landlords, the well-being of millions is disregarded, famine and misery stalk through the land, and all good government in Ireland is rendered impossible, and government of any kind impracticable, except through the medium of a military force."†

Yes. Those thirty thousand bayonets that keep the peasantry of Ireland in sullen subjection might be spared for better purposes, were the foreign landlords, in a foreign parliament, to cease making our laws, and, by means of those laws, exterminating our people. "Coercion Acts," "Arms Bills," "Suspension of Habeas Corpus Acts," "Arms Acts," "Martial Law," "Insurrection Acts," "Crime and Outrage Acts," "Peace Preservation Acts,"—such might be fairly called the headings of English legislation for Ireland for the last sixty-nine years—in 1801, 1804, 1807, 1810, 1814, 1815, 1816, 1817, 1822, 1823, 1824, 1825, 1833, 1834, 1839, 1842, 1848, 1849, 1852, 1854, 1855, 1856, 1858, 1860, 1862, 1866, 1867, 1868—that is, on an average, a coercion act for Ireland every second year since the day of the "accursed Union," and all this by and for the sake of the landlords!!‡

May we not justly repeat to-day the language of Earl

* December, 1835.

† 25th of October, 1839.

‡ At this moment there is a fresh howl raised by the press of England for more coercion, through the suspension of the *Habeas Corpus* Act, in consequence of the return of Jeremiah O'Donovan Rossa—a political convict for life—as M.P. for Tipperary. And yet this fresh piece of threatened coercion will prove as fruitless as any of its numberless predecessors.

Grey in 1846 : "It is time to have done with coercion. Ireland has been misgoverned. There had been too many Arms Acts and Curfew Acts. It was justice that was wanted now."* And may we not ask to-day, in the words of Sadleir thirty years ago : "Is a system which can only be supported by brute force, and which is kept up by constant blood-shedding, to be perpetuated for ever? Are we still to garrison a country to protect the property of those *whose conduct occasions all the evils under which the country has groaned for centuries*—property that would not be worth a day's purchase were the proprietors its sole protectors?"† No later than last year, Mr. John Bright declared to his constituents that were Ireland removed one thousand miles westward into the ocean, the Irish proprietors would, almost one and all, be hurled into the ocean in a day, or something to that effect ; and for the fearless enunciation of his honest conviction, and a patent truth, the able statesman has been since subjected to every species of petty annoyance by the contemptible Irish geocrats. Yet, I not alone subscribe to his opinion, but I furthermore add my own, that in the very latitude in which we are, at the very door of England, with all her thirty thousand redcoats to protect the devastators in their work of ruin, between a " Sicilian Vespers " of landlords and security to the tenant there is, at no distant day, no alternative.

" Sunt denique fines."

"Is it surprising," says the late Mr. Hume, M.P., after describing, in harrowing colors, the condition of "the forlorn outcast," the victim of the *sic volo* power of a Cromwellian landlord, "is it surprising that a population in such a state should occasionally be tempted to commit

* March, 1846.

† "Ireland," &c., p. 161.

acts of violence? What sympathy can they feel with the possessors of property? What to them are the advantages of law and order? Accordingly we find that they are often stimulated to do wrong by despair."* True, "by despair," which Mr. Binn considers only "natural:" but the possessor of property *constantly*, not "often," does wrong through mere caprice, or bigotry, or passion, or malice, or all put together.

The latest palliation of these "agrarian outrages" comes from the lips of a cabinet minister—the present Chief Secretary for Ireland. Interpellated by Mr. Heygate last session, in the House of Commons, the Right Hon. Chichester Fortescue, Chief Secretary for Ireland, after all manner of menace and bluster about "strong and violent legislation for this deplorable offence," and any amount of protestations of his government's anxiety to "protect life and property" (of the landlords), concludes with the following scathing indictment against the very persons whose "life and property" he is prepared to protect, even by "exceptional legislation," and "by sending an extra force to the district, the cost of which has been borne by the locality:" "I have still great hope that, if no unjustifiable use be made of the rights of property, such as that which produced the outrage in Tipperary last autumn (Mr. Scully's escapade), the vigilance of the government will be able to keep under this lamentable class of offence" (hear, hear). In other words, these rack-renters and exterminators—these autocrat landlords of tenants-at-will, "unjustifiably exercise a right," and for this injustice, not to be otherwise averted or avenged, the tyrant is slain. Had he not "unjustifiably" thus acted he might move about to the end in a whole skin. It was, therefore, his own "unjustifiable"

* House of Commons, June 2, 1846.

exercise of a legal right that brought on him his premature fate. Thus what is "right in law" is "unjustifiable" in fact and in morals; and, therefore, one day should not be lost in making "right" and "law" consort, and in depriving the landlord of the power of thus, by the very fact of exercising a right, doing an egregious and irreparable wrong.

How is this to be done? The question is answered in the concluding chapter.

BY SECURITY OF TENURE, IN SOME FORM, at moderate rents.

Meantime, I must once more enter my protest against the assumption that these "agrarian outrages" are more revolting than any of those daily shocking murders, child murders, wife murders, and the like, which are regarded as a matter of course in England, and, in the words of the *Irish Times* of the 6th July, have become, there, "national institutions."

It is, indeed, greatly to be regretted, to be deplored, I must say, that the remedy still in store for the removal of this gangrene is still—repression and not concession. At a late sitting of the House of Lords, the Marquis of Clanrickarde is reported to have spoken as follows:—

"The constant recurrence of agrarian outrages in Ireland, and the inability of the authorities to detect the perpetrators, was a disgrace to the country. During the last fifteen months, commencing with the murder of Mr. Fetherston-Haugh, and ending with the attempted murder of Mr. Warburton, there had been fifteen outrages of this character. Although eleven persons had been killed and three severely wounded, only two of the perpetrators had been brought to justice, and no life had been forfeited for so many taken. In 1865 there were 87 agrarian outrages in Ireland. In 1867, 123, and in 1868, 160.

"The impunity with which murder and outrage were

committed showed that the executive government were powerless, and that assassins were powerful. He urged that there ought to be a more efficient constabulary for the prevention and detection of crime, and that the government should place themselves more in communication with the loyal resident gentry."

To which Lord Dufferin thus replied, on the part of the government:—

"I will admit, both as a private individual and as a member of her majesty's government, that there is much to recommend itself in the first of these suggestions, and I may go so far as to state that that resource has not escaped the attention of her majesty's government; but it is obvious that it would be extremely unwise if I were to take it upon myself, on an occasion such as this, to enter into details as to the circumstances under which they have resorted to such means as he refers to. With respect to the alternative of intimate communications between the government and magistracy, I may inform my noble friend that no complaint has been made of any want of attention to representations made to the Lord Lieutenant of Ireland, or to the late Lord Lieutenant of Ireland. It is proper and desirable that the executive government should be in close communication with the local magistracy, but that is not the only way of proceeding. As an Irish resident myself I naturally feel as deeply as any of your lordships the slur which these outrages cast on every one connected with Ireland, and I assure your lordships that not the Lord Lieutenant, Lord Spencer, but the whole of her majesty's government feel as much as any one the responsibility which is resting upon them in connection with this subject, and that they are using every method and device in the administration of justice to bring the authors of these crimes to condign punishment" (hear, hear).

The subject then dropped.

Thus, not a word about concession. Not the slightest hint as to the restriction of that "right," the "unjustifiable exercise" of which has terminated in the transactions thus animadverted on: "the police" and "the local gentry," that is, the landlords themselves, are to have, as hitherto, the management and government of the peasant serfs. Elsewhere, even, we are officially promised the Neapolitan institution of secret police, for the special protection of landlords in the "unjustifiable exercise" of their rights. It is even announced, while I am actually penning these pages, that a special commission is to issue—if it has not been already sped—to try Barrett, the reputed assailant of Captain Lambert; the government thus displaying its exceptional and "special" watchfulness over the lives of a class whose excesses—whose "unjustifiable" use of (legal) rights—have brought all but ruin on the country, and, undoubtedly, brought retribution on their own head.*

Wives, lovers, friends, children, are murdered by the score every week in England, and the ordinary tribunals are deemed competent and swift enough to deal with the authors of the guilt. Even in Ireland other murders—rare, thanks to God, amongst us—are left to the retribution of the usual criminal law. But a *landlord* is fired at—a landlord who perpetrated an eviction on the father of the alleged assailant—and, forthwith, are the special

* This commission has actually sped—consisting of the Lord Chief Justice Whiteside and Mr. Justice Keogh. After a trial of three or four days, the jury disagreed—three only being for a conviction; and now the case is before the Queen's Bench, Dublin, with a view to have a fresh trial somewhere else, where a verdict must be obtained, *per fas aut nefas*. Such is still the spirit of our rulers. Exceptional protection at any cost for exterminating tyrants; bars, bolts, and special commissions for their supposed opponents.

powers of the executive put forth, as if, innocent or guilty, to secure the conviction of the unfortunate accused.

It is the old, old, traditional blunder. Barrett may be found guilty—he may be sent to Pentonville “for life”—will the Connaught exterminators be one whit the safer for that? Nay, will not their personal security become far more precarious? Thirty years ago, the more “agrarian outragers” they hanged in Tipperary, the more “agrarian outragers” of the landlord class were shot. The “law” at length had to confess itself beaten. The landlords gave up evicting the tenants, and then the tenants gave up shooting the landlords. The cause had ceased, and with it the effect.

So now, let our landlords cease from coercing, evicting, brow-beating, trampling under foot in every way, and, the source of “agrarian crime” being thus dried up, the outlet, instead of conducting its turbid waters, will grow into a verdant herbage, supplying healthy nutriment where it wrought death.

The truth, therefore, is patent—that all the “agrarian outrages,” as they are called, that have taken place in Ireland these fifty years past, have been the natural fruit of more heinous agrarian outrages of another class, going by the name of “the exercise of agrarian rights.” The law gave the landlord the right to murder his tenant, and tenant’s wife and family—all guiltless of crime. The tenant, then, sought in nature the right to slay the murderer of his hopes, his happiness, and his family, in return.

CHAPTER XVIII.

RACK RENTS.

"Landlords take advantage of the dreadful necessity, and exact rent out of all proportion with the value of the land."—*Mr. Wyse's "Evid. before the Houses of Lords and Commons, 1824,"* pp. 8, and 5 and 6.

MR. JOHN STUART MILL defines rent (of land), the surplus above the ordinary profits of capital and labor expended on the land. Hence, he naturally concludes that when land, with the judicious and industrious appliances of the above agencies, fails to produce such a surplus, it should pay no rent. The precise words of the able and humane political economist are: "The rent, therefore, which any land will yield, is the excess of its produce beyond what would be returned to the same capital if employed on the worst land in cultivation," this latter being supposed merely, if at all, to repay the cost of culture. This "surplus," or excess is handed over to what is called the "owner," for his giving "the use of the land."

This definition being accepted, the rents, generally throughout Ireland, merit their unenviable name of "rack-rents."

Fully three hundred years ago, this rack-renting system began to develop itself. "The landlords there" (Ireland), says Spenser, "most shamefully *rack* their rents;"* so that

* "State of Ireland," works, vol. vi., p. 33.

our present generation of rack-renters, land-jobbing companies, as well as land-sharking individuals, have a long prescription for their legalized system of plunder. But it was only after the Revolution that rack-renting became a confirmed system. It is thus described by Swift, as we have already seen :—

“THE RISE OF OUR RENTS IS SQUEEZED OUT OF THE VERY BLOOD, AND VITALS, AND CLOTHES, AND DWELLINGS OF THE TENANTS, WHO LIVE WORSE THAN ENGLISH BEGGARS.”* Again, he speaks of “the families of farmers who pay great rents, living in filth and nastiness, on buttermilk and potatoes, without a shoe or stocking to their feet, or a house so convenient as an English hog-sty to receive them.”† The very same language might be employed with equal truth and aptness to-day. Reading over the following, one would fancy the writer had some such jobbers as the National Building and Land Investment Company before his eyes : “Another great calamity,” writes he, “*is the exorbitant raising of the rents of land.* Upon the determination of all leases made before 1690, a gentleman thinks he has but indifferently ‘improved’ his estate if he has only doubled his rent-roll. Farms are screwed up to a rack rent, leases granted but for a small term of years (not quite so bad as now), tenants tied down to hard conditions (not, I dare say, so far as to have to refuse poor wayfarers a night’s lodging on pain of a £10 fine), and discouraged from cultivating the land they occupy to the best advantage, by the certainty they have of the rent being raised, on the expiration of their lease, proportionally to the improvements they shall make. Thus it is that honest industry is restrained ; *the farmer is a slave to his landlord ; it is well if he can cover his family with a coarse home-spun frieze.*”‡

* “Short View ” vol. ix., p. 206.

† *Ibid.*, p. 205.

‡ “Answer to a Memoria!”

Yet in Swift's day the rental of Ireland amounted only to £2,000,000, while to-day, something over a hundred years later, it amounts to nearly £15,000,000, if not more, or nearly to an advance of 800 per cent.

Let us contrast this with his estimate of the English rental. He says, "The industry and parsimony of the English, added to the *easiness of their rents*, makes them rich and sturdy."*

Dr. Woodward, Dean of Clogher and Bishop of Cloyne, attributes the squalid misery of "the lower classes of our people" to the "exorbitant rents," in the following terms :—

"That their poverty is like to continue, with but little mitigation, will be evident to any intelligent man who reflects on the following amongst other causes of it : *the exorbitant rent* extorted from the poorer tenants, ever loth and afraid to leave the ancient habitations, by the general method of letting farms to the highest bidder, without any allowance to a tenant's right, the system of letting large tracts of land to undertakers *inured to tyranny and extortion*,"† &c.

For "undertakers" put *land-jobbers*, and the truth of the remark applies to-day, as it did just one hundred and one years ago, when it first came from the author's pen.

Still more indignantly does he furnish us with the following piece of intelligence, revealing the landlords of his day as accomplices in even agrarian conspiracies, for the very purpose of enlarging their own rental, even to the detriment of their own clergy and church :—

"The present proceedings," writes he, "are not a

* "Letter to Lord Middleton," works, vol. ix., p. 143.

† "Argument in support of the right of the poor," 1785, third ed., pp. 17, 18, &c.

paroxysm of frenzy originating with rash and ignorant peasants, but a dark and deep scheme planned by men skilled in law, and in the artifices by which it may be evaded. These enemies to the public peace and to the Protestant clergy, though nominal Protestants, suggested to the farmers to enter into a combination, under the sanction of an oath, not to carry their tithes, or assist any clergyman in drawing them; and a form of summons to draw, penned with legal accuracy, was printed at Cork at the expense of a gentleman of rank and fortune, and many thousand copies of it circulated with diligence, through the adjoining counties of Kerry, Limerick, and Tipperary.*

By such means, the insatiable landlords succeeded in ultimately doing away with the tithe of agistment, "by an act," which Primate Boulter calls "wholesale and impudent robbery, which threw the support of the Protestant clergy, from the most opulent of the Protestant landlords, upon the most indigent of the Catholic cottiers, and from the richest soil in the country, on lands of inferior quality only the fortieth part of the whole."†

I take the following, *verbatim et literatim*, from a note in Sadleir's invaluable work. Having in his text impeached the absentees—those "cut-purses of the empire," "the deadliest foes of Ireland," &c., &c.—with being a sort of pioneers for the rest of the landlords, and by constantly exercising their instruments of devastation, having certainly cleared the way for those ENORMOUSLY HIGH RENTS, which, to the great discredit of too many of the proprietors, are extorted from the suffering peasantry of Ireland, he subjoins in a note:—

* "Present State of the Church of Ireland," p. 79.

† *Ibid.*

"I cannot better preface a few subjoined proofs of this assertion than in the words of a dignitary of the Church of Ireland, in a little work entitled '*Lacrymæ Hibernicæ*.'

"Speaking of the causes of the wretched poverty of Ireland, he thus expresses himself:—

" 'We know here we touch a tender subject. We have observed how the Irish landlords started up in anger in the House of Commons when it was hinted that their lands were let at too high a rate, and, of course, unless his insignificance secures him, the writer expects to meet his share of their reproach. Notwithstanding, he says, and he has the opinion of some of the ablest men of the nation to confirm it, that the lands of Ireland are, generally speaking, let at an exorbitant over-value.'

"And this evil, too, is attributed to the 'principle of population,' which, in every attitude it assumes, and every dogma it delivers, is still the avowed enemy of the mass of mankind. Let the following proofs, *which might* be multiplied to any extent, show that the increase simply, as increasing the competition for land, has little to do with the matter."* Then, after quoting Spenser and Swift, he puts forward Archbishop Boulter as saying:—

" 'Here the tenant, I fear, has hardly ever more than a third for his share, and too often only a fourth and a fifth.'†

" 'Hear this, ye great English monopolizing tenants, who tell your landlords none but a large farmer can pay them good rents,' says the Right Hon. John Fitzgibbon, Attorney-General."‡

"The peasantry are ground down to powder by enormous rents," says the *Quarterly*, "which are only paid by

* "*Grievances of Ireland*," p. 8; Sadleir, p. 48, note.

† "*Letters*," vol. i, p. 292.

‡ Speech, 1787.

the exportation of the great bulk of the food raised in the country, leaving to those who grow it a bare subsistence upon potatoes eked out with weeds." *

Let the following expressions convey the estimates of the several writers on this important subject :—

"Exorbitant rents."—(Gordon's "Hist. of Ireland," vol. ii., p. 241.)

"Exorbitant rents."—(Newenham's "Inquiry," &c. p. 15.)

"Exorbitant rents."—"Argument for the Support of the Poor," Dr. Woodward, p. 15.)

"Exorbitant rents."—(Curwen, "Observations on the State of Ireland," vol. ii., 32.)

"Exorbitant rents."—"First Report on the State of Ireland, 1825," p. 38 ; see pp. 59, 307, 413, 414, 638, &c., &c.)

"It is an undoubted fact that, as landlords, they exact more from their tenants than the same class of men in any other country."—(Wakefield's "Account of Ireland," vol. ii., p. 795.)

Bishop Berkley gives his estimate of the fairness of Irish rents by calling Irish landlords men of "*vulturine beaks with bowels of iron* ;"† much the same as the description given of them by the *Times* twenty years ago, as exercising their "rights" "with hands of iron and fronts of brass."‡

But one living authority, and he, perhaps, one of the best witnesses who could be produced, may tell better than any number of dead ones. In the debate on the Irish Registration Bill, February, 1841, Lord Stanley (the present Lord Derby§)—himself not a bad landlord, were he not an *absentee*—declared, as had been so often

* December, 1840.

† "A Word to the Wise," works, vol. iii., p. 12.

‡ *Supra.*

§ Since deceased.

declared before, that "persons having from fifteen to twenty acres of land are generally from April to September in a state of the greatest destitution, living upon potatoes, without either milk or meat, and considering themselves very happy if they have dry potatoes enough—men who during a great part of the year lived on dry potatoes—*men whom the landlords, letting their lands at a RACK RENT, may UPON ANY DAY turn loose upon the world to starve in THE LAST DEGREE OF MISERY.*" Indeed the *Quarterly Review*, the very organ of his lordship's political views, went so far, a month later, as to accuse the Irish landlords with "encouraging the growth of a hostile religion *in order to swell their VOTES and their RENTS.*"* In Ireland land is the only resource—is an absolute necessity; and therefore the tenant is not in a position to make a free and a fair bargain. "We have stated," says the last authority, "and indeed the fact is NOTORIOUS, that the poor Irish cottier will give for land *not only the utmost penny of its value, but even beyond it.* The rate, therefore, is no proof nor measure of his rent. He may hold land rated at £5 on terms which make his bargain worse than nothing." Hence Sir Francis Head aptly calls Irish rents "*competition rents.*"† Of this there are several living illustrations at this moment in this parish. The townlands of Kilkerrin, Newtown, Cloonee, and Derrew, have been lately raised to a figure of over 60, 70, and 114 per cent. over the tenement valuation, though that, in their case, was deemed rather high itself!!!‡

In truth, land in Ireland is let at famine prices. There is no check on the grasping landlord but his own avarice. The same spirit of rapacity, reprobated by Swift as all-devouring in his own day, is at work in Ireland at this moment. The landlord cannot bear to see his tenant

* *Quarterly Review*, March, 1841.

† "A Fortnight in Ireland," p. 182-3.

‡ See Appendix.

"in a whole coat," without at once "enhancing the rent." A few years ago, a proprietor, now no more, in a parish adjoining this, noticed a neat dress cap on the head of a tenant's daughter, one day, in the streets of the little town. He sent for the tenant—told him he would raise his rent—that he saw his daughter the other day wear a better cap than Lady K—x, his own (the landlord's) wife. The man knew he could not pay the advance, therefore refused, and—was evicted!!

At this moment a very industrious and respectable farmer in the parish of the Neale, county Mayo, is under "notice to quit," at the hands of Mr. Ben. Jennings, of Mount Jennings, for not consenting to the alternative of either giving up to the "master" part of his farm of one hundred acres (for which he pays £166 8s. a year), or else submitting to an arbitrary advance in the rent. At this moment several landlords are, in the words of Mr. Thomas Tighe,* lately spoken at the tenant-right meeting at Castlebar, "running a race with legislation"—enhancing the rents before the passing of such an agrarian law as may arrive. I only hope the wretched tenants may resist the grasping exactions.

I might multiply authorities on this point to an indefinite extent. Indeed the fact that the actual rental of all Ireland is, on an average, some 40 per cent. over its valuation, that valuation, be it borne in mind, being effected with a special view to taxation, would, of itself, be proof conclusive, apart from all authority, that the rental of the country is what Spenser, three hundred years ago, and Lord Stanley, just thirty years ago, designated a "rack rent."

"The anxiety of the peasantry to keep land," says Mr. Barrington,† "is such, that they promise any rent, *how-*

* Himself one of the best landlords in Mayo.

† House of Commons, 1832, Nos. 11 to 49.

ever unable to pay it. I attribute the disturbances, in some degree, to the over-letting the land for more than its value, and then dismissing the tenant when he is unable to pay the rent promised ; knowing that when he is turned out he must probably starve."

"There is in Ireland," says Mr. Barry, "such a competition for *land*, that it generally rests with the landlord to name his own rent."*

"This competition," says Mr. Wyse, "*is universal and unabated. Landlords take advantage of the DREADFUL NECESSITY, and exact rent out of all proportion with the value of the land.* The consequences are obvious—if the tenant *pays* he must STARVE,"†—if he does *not pay* he is *turned out*—"converted," says Mr. Smith O'Brien (as we have seen above), "into a forlorn outcast, without employment or provision."‡ "The desolate wretch," says Sadleir, "is, in such circumstances, driven to desperation (the words of Mr. Hume in 1846), and, forming a connection with a multitude of others who have been similarly treated, he proceeds to those acts of violence which are so frequent in Ireland."§

"Land," says Mr. Francis (late Judge) Blackburne, "is to the Irish peasant a necessary of life. *The consequence to him of not getting it is starvation.*"

Sir James Cotter, in a debate in the Irish House of Commons, admitted that the landlords of the south had "been base enough to connive at the excesses of the Right Boys, in the hopes of *raising their rents* by adding the share of the clergy to what they, the landlords, already extorted from the miserable population."|| But

* Evid. House of Commons, 1830, 195, 367.

† House of Lords, 1824, p. 8 ; House of Commons, 1824, pp. 5-6.

‡ Speech in House of Commons, June 2, 1840.

§ "Ireland, its Evils," &c., p. 141 ; ed. 1827.

|| "Irish Debates," vol. vi., p. 61.

the estimate of Lord Clare is more explicit, and more emphatic still. "I am," said he, "well acquainted with the province of Munster; I know that it is impossible for human wretchedness to exceed that of the miserable peasantry of that province. I know that the unhappy tenantry are ground to powder by the relentless landlords, who grasp at the whole produce of the soil, and, not satisfied with present extortion, have been so base as to instigate the insurgents to rob the clergy of their tithes, not in order to alleviate the distresses of their tenantry, but that they may add the share of the clergy to the cruel RACK-RENTS already paid."* Thus spoke no enemy of the territorial class; and should there be a doubt cast on his evidence, that previously adduced from Dr. Woodward is quite sufficient to place its accuracy beyond the reach of reasonable question.

"The Irish landlords, as a class, are needy, exacting, unremitting, harsh, and without sympathy for their tenantry."†

"Landlords in Ireland, among the lesser orders, extort exorbitant rents out of the bowels, sweat, and rags of the poor, and then turn them adrift; they are corrupt magistrates, and jobbing grand jurors, oppressing and plundering the miserable people."‡

"The Irish country gentleman," says the *Dublin Pilot* of 2nd Jan., 1833, "is, we are sorry to say, the most incorrigible being that infests the face of the globe. In the name of law he tramples on justice; boasting superiority of Christian creed, he violates Christian charity; is mischievous in the name of the Lord. Were the Irish government inclined to govern the country with good policy—which, bless its heart! it is not—the greatest impediment it would find would be in the

* Speech, Irish House of Commons, 31st Jan. 1787.

† Bicheno.

‡ Bryan's "View of Ireland," 1822.

arrogant, besotted, grasping, rack-renting, spendthrift, poor, proud, and profligate country gentleman."

But authorities to prove that the land of Ireland is generally let at a rack-rent might be multiplied to any extent. In fact, its excess, at an average of 40 per cent. all over Ireland, and, in some cases, as in the townland of Derrew, in this parish, at 114 per cent., and in others upwards of 70 per cent., over the official tenement valuation, ought to set discussion on the subject at rest. Surely we are not to suppose that the official valuers and the quinquennial revisors did deliberate injustice—in fact, robbed the revenue for the sake of the landlords; and, at the same time, left the latter exposed to the inevitable imputation of letting their lands at an excessive rate. But the desperate effort made by most Irish tenants to pay these "competition rents" fully sustains the estimate of the government valuers, and furnishes an additional argument in favor of standard and valuation, instead of arbitrary and competition, rents—so long and so aptly designated "Rack-rents."

CHAPTER XIX.

ABSENTEEISM.

"The deadliest foes of Ireland. . . . The cut-purse of the empire."—*Sadler*.

"ABSENTEE," says Johnson, "is a word used commonly with regard to Irishmen living out of their country." The term is coeval with the first English invasion, and the evil out of which it sprung is thus accounted for by Sir John Davies: "These great lords, having greater inheritances in their own right, in England, than they had in Ireland in right of their wives (and yet each of the co-partners had an entire county allotted for her purparty, as is before declared), could not be drawn to make their personal residence in this kingdom, but managed their estates here by their seneschals and servants. . . . And again, the decay and loss of Ulster and Connaught is attributed to this—that the Lord William Burke, the last earl of that name, died without issue male; whose ancestors, namely, the Red Earl, and Sir Hugh de Lacy before him, being personally resident, held up their greatness there, and kept the English in peace and the Irish in awe; but when those provinces descended upon an heir female and an infant, the Irish overran Ulster, and the younger branches of the Burkes usurped Connaught. And therefore the ordinance made in England, the third of Richard II., against such as were absent from

their lands in Ireland, and gave two-third parts of the profits thereof unto the king until they returned, or placed a sufficient number of men to defend the same, was grounded upon good reason of state, which ordinance was put in execution for many years after, as appeareth by sundry seizures made thereupon in the time of King Richard II., Henry IV., Henry V., and Henry VI., whereof there remain records in the remembrancer's office here. Among the rest, the Duke of Norfolk himself was not spared ; but was impleaded upon this ordinance for two parts of the profits of Dorbury's Island, and other lands in the county of Wexford, in the time of Henry VI. And afterwards, upon the same reason of state, all the lands of the house of Norfolk, of the Earl of Shrewsbury, the Lord Berkely, and others, who, having lands in Ireland, kept their continual residence in England, were entirely resumed by the Act of Absentees, made in the twenty-eighth year of Henry VIII."

Thus did these English monarchs of olden times show much more wisdom than our enlightened modern parliaments. The prohibitions of Henry VI. extended to benefices on pain that "the issues and profits of said benefices (divine service and ordinary charges kept) shall be divided, the half to the commodity of their (the clerical absentees) benefices and churches, the other half to be expended in our sovereign lord the king's wars in defence of this poor land of Ireland, and any grants of absency made to them or any of them, or to be made and granted in time coming, to the contrary hereof, be void and of no force in law, unless that it be by authority of parliament."

The 10th Charles I. imposed a tax on absentees—"inhabitants dwelling in England and elsewhere out of Ireland." In 1715, the absentee tax was 4s. out of the 20s., "unless such person should reside within the kingdom for six months in every year." By this ordi-

nance the Lord Lieutenant, Chief Secretary, and such as were warranted by the royal sign manual, were exempt.

"Absenteeism existed," says Mr. Bryan, "to a grievous extent under the *resident* legislature of Ireland, notwithstanding all their exertions to destroy this *plaie politique la plus decorante*. There were legal enactments against absenteeism from 1377 up to 1753. (In the reign of Richard II. there was a heavy tax imposed on proprietors who did not reside in Ireland.) In 1773, Mr. Flood made an attempt to revive the old laws, but failed. In 1783, a proposition to the same effect was supported by Mr. Grattan in vain. In 1797, Mr. Vandeleur made a motion with the same view, which proved abortive."*

"Abortive," as half measures have ever proved, and shall prove for ever. And so likewise will the approaching land measure prove, unless it strikes at every root of the agrarian evil, absenteeism included.

Thus we see that the origin of the plague of absenteeism, "the ancient plague of Ireland," "the prime curse of the country," "the cut-purse of the empire," as Sadleir calls it,† is to be sought in the numberless confiscations to which the soil of Ireland has been subjected by the rulers of England. The natives were deprived, on any pretence or no pretence, of their hereditary lands, and these were handed over to Englishmen, who lived at home, but drained their new acquisitions of the best portion of their produce.

"A great part of the estates, both real and personal, in Ireland," writes Sir William Petty, "are owned by absentees and such as draw over the profits raised out of Ireland, *refunding nothing*, so as Ireland, exporting more than it imports, doth yet grow poorer to a paradox."‡

* "Practical View of Ireland," p. 41.

† "Ireland," &c., pp. 38-39, &c.

‡ "Political Anatomy," p. 33.

In 1729, Dobbs, under the name of Prior, published a "List of Absentees," who, according to him, drained the country of £627,799 annually—equal to over five times the amount to-day. The rental of Ireland was then reckoned at about £2,000,000.

"It is thought," said Gee, "near one-third part of the rents of the whole (of Ireland) belong to English noblemen and gentlemen that dwell here."*

I take the following extracts from the "List of Absentees," out of Sadleir's work :—

"By means of our nobles and gentry deserting their own country, and spending all abroad, our people are left without employment, and are forced to shift to other countries, even to America, to get livelihood. . . . 'Tis not to be wondered at that we should grow poorer every day, under such an unprofitable issue of money, which all the labor of the people and produce of the country, with every acquisition they can make, are not sufficient to supply. . . . This is an evil long complained of. . . . There is no country in Europe which produces and exports so great a quantity of beef, butter, tallow, hides, and wool as Ireland does, and yet our common people are very poorly clothed, go bare-legged half the year, and very rarely taste of that flesh meat with which we so much abound. We pinch ourselves of every article of life, and export more than we can well spare, with no other effect or advantage than to enable our gentlemen and ladies to live more luxuriantly abroad. . . . And they are not content to treat us thus, but add insult to ill-usage ; they reproach us with our poverty at the same time that they take away our money."†

* "Trade and Navigation of Great Britain," p. 19.

† "Ireland," &c. pp. 43-4.

Dean Swift never tired lashing the terrible evil that required "those great remittances which perpetually drained the country"—that "drove half the farmers into beggary and banishment."

"I should be glad to know," says he, "by what secret method it is that we grow a rich and flourishing people, without liberty, trade, manufactures, inhabitants, money, or the privilege of coining; without industry, labor, or improvement of land, *and with more than half the rent and profits of the whole kingdom annually exported, for which we receive not a single farthing. . . .* If we do flourish, it must be against every law of nature and reason, like the thorn of Glastonbury, that blossoms in the midst of winter :"* from which we may legitimately infer that in his day, as in our own, the "prosperity" pæon was chanted by the minions of power, merely to drown the bitter cry of universal distress.

"One third part," writes he, "of the rents of Ireland are spent in England; which, with the profit of employments, pensions, appeals, journeys of pleasure or health, education at the inns of courts, or both universities, remittances at pleasure, the pay of all the superior officers in the army, and other incidents, will amount to *a full half* of the income of the whole kingdom, all clear profit to England."† Again he writes: "But besides the depopulating of the kingdom, &c. . . . the absence of so many noble and wealthy persons has been the cause of another fatal consequence, which few, perhaps, have been aware of. For if that very considerable number of lords who possess the amplest fortunes here had been content to live at home, and attend the affairs of their own country in parliament we might have then decided our own properties among ourselves, without

* "A Short View."

† "A Short View," works, vol. ix., p. 203.

being obliged to travel five hundred miles by sea and land, to our infinite expense, vexation, and trouble ; which is a mark of servitude without example from the practice of any age or nation in the world. . . . As to the great number of rich absentees under the degree of peers, what particular ill effects their absence may have upon the kingdom, beside these already mentioned, may be, perhaps, too delicate to touch. But whether those *who live in another kingdom upon great estates here*, and have lost all regard for their own country, farther than upon account of the revenues they receive from it ; I say whether such persons may not be prevailed on to recommend others to vacant seats, who have no interest here except precarious employment, and, consequently, can have no view but to preserve what they have got, or to be higher advanced ; this, I am sure, is a very melancholy question, if it be a question at all.”*

“ As to the lands of those who are perpetual absentees, I do not see any probability of their being ever improved. In former times their tenants sat at easy rents ; but for some years past, they have been, generally speaking, more terribly *racked by the dexterity of merciless agents from England*, than even those who held under the severest landlords here. I was assured, upon the place, by great numbers of credible people, that a prodigious estate in the county of Cork being let upon leases for lives and great fines paid, the rent was so high that the tenants begged leave to surrender their leases, and were content to lose their fines.”†

Among fourteen “ true causes of any country’s flourishing, growing rich,” furnished by him in the opening part of his “ View,” “ the eleventh is, when the rents of land and profits of employment are spent in the country

* Swift, *ib.*, Drapier’s seventh letter, pp. 175-6.

† *Ibid.*

which produced them, and not in another ; the former of which will certainly happen when the love of our native country prevails." With stinging irony, he elsewhere advises " that all our owners of these lands should live constantly in England, in order to learn politeness, and qualify themselves for employments : '* so that, over a century and a quarter ago, this mischievous depletion was carried on in all its destructiveness ; nor has it ceased since, except during an interval of eighteen years—that period within which Mr. Forster declared that " Ireland had risen in civilization, in wealth, in manufactures, in a greater proportion than any other country in Europe."†

Almost every writer on Ireland has expressed his reprobation of the evil. Croker, Curwen, Sadleir, Reid, Young, Kay, Thornton, &c., have written in its condemnation. Referring to the countless ruined mansions scattered throughout the country, Croker writes : " They who reared those piles, and filled these rooms with mirth, who gave plenty and employment to the poor, are now in their tombs, and their living successors, dead to patriotism, dwell in other lands, and leave the home of their ancestors a wilderness. Every one must wish such absentees could be made to reside in their country—to enrich it with their fortunes, ornament it with their taste, improve the morals of the people by their example, refine them by their politeness, and protect them by their authority ; then might we hope to see the laws respected, the rich beloved, and Ireland tranquil and happy."‡

Curwen deplotes " the ruin it inflicts," while " the waters of oblivion could never wash out the stains which the scenes of woe (in an absentee estate) witnessed that day had impressed on his mind."§

* " Answer to a Craftsman," *ib.*, p. 337.

† Speech, 17 Feb., 1800.

‡ " Researches in the South of Ireland," p. 267.

§ " Observations on the State of Ireland," vol. ii., p. 255.

"Thus it is," says Sadleir, "wherever absenteeism generally prevails, there wealth shuns the labor by which it is fed, and the industry by which it is distinguished; rigorously exacting all its dues, fancied or real, and returning none to those to whom they are as *truly*, though not as legally, owing; carrying off the products of the vintage of nature, *even to the very gleanings*, to a far country, and leaving the refuse to those who cultivate the soil and express the juice; muzzling the mouth of the ox that treadeth out the corn, which is fed with the husks, and goaded to desperation."*

A truer description of the condition of Ireland, under the curses of rack-rents and absenteeism, could not be furnished; and that description is as true this day, and truer still than it was thirty years, a hundred, two, three, five hundred years ago.

"But," pursues this humane Englishman, "this abandonment simply is not all with which absenteeism stands charged. It substitutes, for neglected duties, *positive wrongs of the deadliest character*. Absent in body, it is, indeed, ever present in the spirit of cruelty and oppression. Its very existence implies a train of evils, which have been, for centuries past, the most cruel scourges of the country—I mean the underletting system. Amongst these middlemen, as they are called, there may be, and no doubt are, men of high honor and humanity; but such exceptions render the cruelty and extortion of the entire class the more conspicuous."†

For "middlemen" let us substitute "land-jobbers" and "agents," and the picture is perfect to-day.

These middlemen were mere land-jobbers, who cared not a straw for the unfortunate tenantry, from whose "blood and vitals" they squeezed out the last farthing.

* "Ireland, its Evils and its Remedies," p. 47.

† *Ibid*

"The high prices of land, artificially created by land-jobbers (middlemen referred to), and the vast income drawn from the country by absentees, **THE DEADLIEST FORM OF IRELAND**—these are causes which, among many others, have reduced countless numbers to want, and converted a considerable part of our population to mendicants."

The same authentic authorities attributed not merely the squalid poverty, but its necessary concomitant, "dependency of mind" and "infection" of body, to absenteeism as their "predisposing cause."†

Several official reports also attest the various evils caused by this eternal drain on the only industry of the country. "The parts with which I am acquainted," said Serjeant Lloyd, "the principal gentry have deserted. They have become absentees; and I am sure I ought not to have omitted to enumerate that as a principal cause of the disorderly state of the disturbed counties."‡

Similar was the testimony of Mr. (afterwards Chief Justice) Blackburne, while Commissioner of the Insurrection Act during several years in the south of Ireland:—

"As to the state of Ireland," said he, "any view I suggest would be incomplete without stating the effects of absenteeism. My opinion is that, independent of its abstraction from the country of so much wealth, it produces great mischief to the whole frame of society: in Ireland, I may say, there is the destitution, the want of a distinct class. In ordinary times, the loss of influence and authority, and the control which belongs to education, to rank, and to property, must be deeply

* Dr. Baker and Cheyne's "Account of the Fever in Ireland," vol. ii., p. 98, &c.

† *Ibid.*, *passim*.

Minutes of Evid. before Com. of Lords, p. 207.

felt in any country ; but when it becomes disturbed, I need not say that that which would form the barrier for the protection of the peace is lost in Ireland ; and I have now been administering the Insurrection Act in counties where the property of absentees is extensive.”*

I confess I, for one, would not lay so much by the moral effect of the presence of the landlords—rack-renters as they are—as by the “abstraction of so much wealth” without the slightest substitute. We have seen that, in Swift’s and Dobbs’ day, the drain amounted to nearly £700,000, or a third of the entire rental of the country : it is computed that at present it cannot be less than between £4,000,000 and £5,000,000 ; the proportion of drain to rental being thus still kept up.

After Prior’s, several other “lists of absentees” were, from time to time, printed. In reference to them, a writer in the *Quarterly Review*† says : “The most exact of these is said to have appeared in 1782, and, according to it, the annual value of estates belonging to absentees then amounted to £1,227,480. It is also *said* that a committee of the House of Commons was appointed to inquire into the subject in 1804, and that it was ascertained that the annual amount of absentee property exceeded £2,000,000.”

In 1830, Mr. Butler Bryan estimated, before a committee of the House of Commons, the absentee drain at £3,000,000 ;‡ Mr. Ensor, “after a minute calculation,” at £4,000,000. The *Irish Times* has lately set it down at £5,000,000 or £6,000,000.§

The abstraction of so much money from a country so poor as Ireland, superadded to the drain of £2,000,000 or £3,000,000, in the shape of Irish taxes expended

* Minutes of Evidence before Committee of Lords.

† *Quarterly Review*, April, 1836.

‡ *Ibid.*, p. 45.

§ See Appendix.

abroad, is an evil which none but a real stepmother government would for a day suffer to endure. The wonder is that, after generations and centuries of such depletion, we exist, as a people, at all. But, as to our "progress" or "prosperity" under such an exhausting system, we may well repeat, with Sadleir: "As rational would it be for a farmer to dream of enriching his fields by carting off all their produce, and returning nothing to the ground; or a physician to restore his patient from an atrophy by starvation and depletion, as to suppose Ireland can accumulate capital while a long list of absentees are not only depriving her of all the means by which she might be enriched, but constantly wresting from her in undue quantities the very necessities of existence."*

Though a very few of the McCulloch and Malthus school of political economists may venture to defend the plague of absenteeism, its innate mischief is so apparent as almost to defy proof. "The fact is self-evident," says Mr. Reid, "argument would be considered an idle waste of words and time."† So that, in the words of Sadleir, so often quoted, the apologists of absenteeism are only "their own parallel."‡

Mr. Smith O'Brien thus describes the absentee class and one of the causes of the increase of absenteeism: "Next in the train of consequences which followed the Union is to be noticed the increase of absenteeism. There are two classes of absentees. One class consists of great English proprietors, who have obtained by confiscation large tracts of territory in Ireland. As an instance, I may mention that the greater part of one county, Londonderry, belongs to the London companies

* "Ireland, its Evils and its Remedies."

† "Travels in Ireland," p. 342.

‡ "Ireland," &c., p. 58.

This class is, almost of necessity, permanently non-resident. It is scarcely to be expected that the Duke of Devonshire, Lord Fitzwilliam, Lord Lansdowne, should live continually in Ireland, whilst they have continual inducements to reside in this country. The other class of absentees consists of the nobility and gentry of Ireland who were in the habit of resorting to Dublin previous to the Union, but who are now naturally attracted to the seat of government, and whose views and associations become gradually interwoven with English rather than with Irish interests. . . With respect to the permanent absentees, it is conceived that a moderate tax, which would be proposed by an Irish parliament, upon non-residence, would compel them either to sell their estates or reside in Ireland a portion of the year, or to yield a pecuniary contribution towards those useful objects which would be promoted without such contribution by their residence.”*

The following evidence from the “Transactions of the Society of Friends” during the great famine are well worthy of consideration. It embraces several counties as follows :—

“*County of Cork.*—This electoral division being about sixteen miles from Macroom, the sufferers are unable to make their way to the workhouse for relief; and the outdoor pittance of sixpence a week, which is the utmost given by the guardians of the union to the sick, is so inadequate to the wants of those who are suffering from disease, that the committee cannot contemplate their misery without feelings of deep sorrow. As not a single resident landlord is to be met with in the whole of this electoral division, the committee can only hope to sustain the sick from the charity of those strangers on whom God

* Speech in H. C., 4th July, 1843.

hath bestowed the means of relieving their afflicted brethren.

“County of Donegal.—This parish contains upwards of 10,000 inhabitants. Of the fourteen landlords to whom the ground belongs there are but two resident, of whom one holds a small property, and the other is much encumbered. The consequence is much neglect and wretchedness among the people, especially the cottiers, who are generally regarded by the landlords as a great injury to their properties, and are therefore discountenanced in every possible manner. Of these cottier or pauper families there may be about 600 or 700, comprising about 3,000 individuals.

“County of Donegal.—Two-thirds, exactly, of this parish is the property of two absentee proprietors, both of whose properties are in Chancery for debt. Extent, 4 miles by 3.

“County of Donegal.—The absentee landlord of the greater part of the parish has not subscribed one farthing. Extent, 50,000 acres. Population, 10,000.

“County of Donegal.—The Ecclesiastical Commissioners have large estates, but cannot contribute anything unless they are enabled to do so by act of parliament. There are other absentee proprietors who have not subscribed. Population, 14,000.

“County Cavan.—This district is especially desolate, from there being no resident gentry in the parish. The principal estate is in the hands of a trustee, who cannot give any relief. The remainder of the parish is subdivided amongst many small landlords, who are all absentees, and none of them contribute anything; all complaining that they have lost their rents. One gentleman, who has a few townlands in this parish, but resides on his property in another, does so much at his own house, that I cannot ask him to do much here.

All look to the curate alone. The rector is taken up with his own division, and we are left to ourselves. I believe this to be one of the poorest districts in Cavan, if not the poorest. Deaths are taking place from actual want, and if a change does not speedily come, I fear we shall be amongst the most wretched in Ireland. Extent, 54 townlands, about 12 square miles. Population, about 6,000.

“*Co. Cavan*.—There is but one landed proprietor, who has been for three or four years residing abroad. I consider this parish as peculiarly unfortunate in having no resident gentry to assist at this crisis, for, with all the exertions I can make, I find it impossible to supply the demands made upon me by such numbers for daily support. Extent, 4 miles square. Population, 2,800.

“*Co. Fermanagh*.—The principal proprietor in this district is an absentee; who, as he has but a small interest in the property, takes very little trouble on himself about it. There are a good many petty landlords, who try to make what they can of the land, and, consequently, have it set at the highest rates. Population, 6,511.

“*Co. Wicklow*.—This district has the misfortune of being on the estate of an absentee nobleman, whose embarrassments have placed the entire property in the hands of creditors, and is now being sold under the Courts to satisfy their demands.

“*Queen's County*.—We have not one resident landlord in the district. Applications have been made to each non-resident, and up to the present time we have received but £44. Extent, 18,000 acres. Population, over 10,000.

“*Co. Westmeath*.—Our proprietors are, almost without exception, absentees. Extent, 5 miles by 3. Population, 2,526.

“*Co. Roscommon.*—All the proprietors but —— are absentees, and give no assistance whatever. A large portion of the district is in the hands of receivers under the Court of Chancery. Extent, 6 miles by $1\frac{1}{2}$. Population, 3,907.

“*Co. Roscommon.*—All the landed proprietors are non-resident, excepting the chairman of the committee. The rents of three of the largest townlands of the parish have been received for the last thirty years by a receiver under the Court of Chancery ; during which time—there being no landlord to interest himself about them—the land has been divided and sub-divided into very small holdings, and an immense population has sprung up, who are reduced to the deepest want by the failure of their usual food. Extent, 1,300 acres. Population, 5,810.

“*Co. Roscommon.*—The absentee landlords in this district are numerous. This town is peculiarly situated, as it is the property of the Ecclesiastical Commissioners, who, by Act of Parliament, are precluded from granting any aid ; so that, with a population of nearly 2,000, it is in a state of unexampled distress.

“*Co. Roscommon.*—Our electoral division is so destitute at present, that there is no Poor-Law Guardian. We have never received any government grant, and all societies refuse us aid—except yours—on account of our having no committee. There are no gentlemen in the neighborhood to form one.

“*Co. Mayo.*—There are fifteen absentee landlords ; their agents do not live in the parish, and seldom come near it ; no non-resident landlord has sent any subscription. The resident landlords, in some cases, are giving assistance to those around them, but no general subscription has been entered into. I, as vicar of the parish, called a meeting, but no one attended, as they said there was no one to represent ——, who is the principal landlord and

an absentee. Extent, 14 miles by 12. Population, about 16,000."

I should notice here a recent letter of the *Irish Times* Special Commissioner, writing from Mayo, in which he enumerates the Marquis of Sligo, Earl of Lucan, Lord Kilmaine, Lord Arran, Sir Roger Palmer, all as permanent absentees, abstracting over £100,000 annually from this poor country, without one farthing of an equivalent. I feel bound, however, in justice, to state that Lord Kilmaine has never had recourse to the inhuman process of eviction, and that his property, in my present cure, is let at a fair and moderate rent.

But, reverting to the report in question, Mr. Pim continues :—

"*Co. Mayo.*—The landed proprietors of this district are all absentees, with one exception. They have not contributed a farthing to relieve their tenantry. No large farmers. Extent, 7 miles by 4. Population, 5,000.

"*Co. Mayo.*—The landed proprietors of this poor parish are absentees; there has not been a farthing received from any of them. There are not more than four large farmers—these have not subscribed to any relief fund, though they have, according to their means, given much in private charity. Extent, 4,194 acres. Population, 2,500.

"*Co. Mayo.*—Almost the whole parish belongs to absentee landlords, who have given nothing towards the relief of the distress, although there have been several deaths amongst their own immediate tenantry from insufficiency of food. The only resident proprietors are my brother and myself, and there is no clergyman of any denomination in the parish. Population, 10,000.

"*Co. Galway.*—The landed proprietors are all absentees, nor have they contributed a penny towards reliev-

ing their tenants since the distress commenced. We have no gentry, nor a second person in the character of a large farmer within the parish. Population, 4,000.

“Co. Galway.—The secretaries of the Relief Committee made application, by writing, to twelve landed proprietors, urging the necessity of subscriptions for the relief of the distressed people, but received no reply; only two resident; no subscriptions have been received from either. Large farmers are a class unknown here. Extent of district, 16 miles. Population, 12,000.

“Co. Galway.—This district has been one of the most severely visited in Ireland. Last year the potato crop almost universally failed, so that this is the second year of scarcity. It is painful to see the alteration of the people's appearance, and too much credit cannot be given them for their patience under this visitation of the Almighty. No outrages have occurred in the district, and the violations of property have been trifling. The position of a country gentleman left single-handed, as I am, to deal with such a calamity, and doomed daily to hear tales of woe which he cannot alleviate, is truly miserable. I pray, however, that I may be sustained through it, and am truly thankful to the Almighty for the many kind aids he has provided for us.

“Co. Galway.—The district within which I am principally connected contains a population of nearly 4,000 souls, of whom a full third are in actual destitution, another third are in deep distress, and not above a sixth are able to support themselves. In this district I am the only resident proprietor, and though the absentee properties are crowded with paupers, afflicted with fever, and prostrated with famine, their contributions are small, and their personal assistance nought. There is, besides, much property in the hands of receivers under the courts, where the usual indulgence cannot be given, where con-

tribution is out of question, and where the utmost misery *consequently prevails*.

“*Co. Clare.*—I have to say, in answer to the remark made in your letter, that, in the distribution of a public fund, it is desirable in all cases, as far as possible, that it be done through a regular organization of the benevolent and intelligent inhabitants of the district claiming relief; that, alas! in the district for which my daughter is exerting herself, there is not one person above the rank of a peasant residing; that the greater part is inhabited by very poor people; and that it all belongs to absentees, who have not contributed a shilling for relief, or to persons over whose properties receivers of the courts are appointed.

“*County Longford.*—This district labors under peculiar disadvantages, and is one of the poorest localities in Ireland. The property belongs entirely to absentee proprietors, and has but one resident gentleman within the circumference of eight miles, and it is also deprived of the residence of either the Protestant clergyman or his curate. For this reason the vice-lieutenant was obliged to call on the resident magistrate, who lives twelve miles from many parts of the district, to act as chairman. It is occupied by small tenants holding from four to ten acres, and very few upwards. The land is bad, and ill cultivated, and the inhabitants never look forward to anything better than potatoes, and having lost them, *are totally destitute*.

“*Co. Armagh.*—In this parish we have no resident landlord. Some absentees hold considerable property in it, and as yet we have not received contributions from any, except from two small proprietors. There is little expected from the others. The resident farmers have subscribed handsomely, according to their means. Population, 8,000.

“*Co. Tipperary*.—There is not a resident proprietor in the district. The farmers on the relief committee have contributed. Population, 4,000.

“*Co. Tipperary*.—The proprietor of the soil is an absentee. The property is in Chancery, and no subscription is to be had, although urgently applied for. There is no resident proprietor. Population, about 11,000.”

What other country in the universe could present such a picture as the foregoing displays? One class of men, vampire-like, ever sucking the life-blood of the country, and never making the smallest return for this perpetual drain. Let us ask ourselves, once more, to what exceptional consideration is this class, embracing only a millessimal fraction of our people, entitled at the hands of the legislature? And yet, the faintest attempt to abridge their traditional excesses, going by the name of “rights,” to limit their abnormal power, or to “teach them,” in the quoted words of Swift, “at least one degree of mercy,” is denounced by themselves and their not less guilty apologists, as communism and spoliation.

Well, for so far we have seen what our country has been brought to under the *regime* of absenteeism, rack-renting, tenancy-at-will, and the crowbar. It requires no stretch of imagination to picture it under an opposite *regime*. Give the hard-working, and ever ill-fed, ill-clad, ill-housed Irish tenant land at a fair rate, security of its tenure, immunity from the arbitrary and capricious exercise of agrarian power, the return of at least some portion of that produce which his toil has forced from the bowels of the earth, by remunerative employment on that land, which he ever tills and tills, without ever touching but the refuse of its fruit,—give him this, and in half a generation behold the change in his mien, and the sublime revolution in the face of the country. But

continue your rack-rents, your evictions, your absentee draws, and your agrarian arrogance, and expect nothing but progressive discontent, periodic disturbance, and, ultimately, disastrous explosion.

We demand is Irish landlordism worth all this?

Let its foregoing history answer.

CHAPTER XX.

POPULATION.

"Where the plough has no work one family can do the business of fifty, and you may send away the other forty-nine. An admirable piece of husbandry, never known or practised by the wisest nations, who erroneously thought people to be the riches of a country."—*Swift*, "*Answer to a Memorial*," works, vol. ix., p. 216.

THE importance of a numerous, healthy, happy, and, therefore, loyal and patriotic population, to any state is, to my mind, a matter of simple self-evidence ; yet, strange infatuation ! the uppermost idea in the mind of our political economists of the day is, to "get rid of" what they call "the surplus population" in Ireland. Sir Robert Peel, late Chief Secretary for Ireland, has pronounced us too many by a million, reduced, as we have been, in twenty-three years, by three millions, in round numbers ; and his present excellency—excellent, I freely say, in a higher than a mere official sense—suggests, at a late bucolic gathering, that perhaps, according to the rules of political economy, we are still too many. In the course of this chapter, we shall see how far the opinion of the right honorable gentleman and the noble viceroy can be sustained in fact.

We know that in the palmiest days of Rome, the fruitful mother was not alone highly honored, but even specially rewarded by the state.

"The importance," writes Paley, "of population, and the superiority of it to *every other* national advantage,

are points necessary to be inculcated and to be understood, inasmuch as false estimates and fantastic notions of *material* grandeur are perpetually drawing the attention of statesmen and legislators from the care of this, the true and absolute interest of a country. . . . We will confess, however, that a competition can seldom arise between the advancement of population and any measure of sober utility; because, in the ordinary progress of human affairs, whatever in any way contributes to make a people happier, tends to make them more numerous.* And the converse must be equally true, that "whatever in any way tends to make a people less numerous also tends to diminish their happiness." And, elsewhere, in recommending tillage in preference to pasturage, he says: "Tillage, as an object of national care and encouragement, is universally preferable to pasturage, because the kind of provision which it yields goes much farther in the sustentation of human life. Tillage is also recommended by this additional advantage, that it affords employment to a much more numerous peasantry. Indeed, pasturage seems to be the *art* ("occupation") of a nation either imperfectly civilized, as are many of the tribes which cultivate it in the internal parts of Asia, or of a nation, like Spain, declining from its summit by luxury and inactivity." The moral is easily pointed.

The same causes that contributed so effectually to the degeneracy of Spain, are at this moment operating most powerfully against "the English interest" in Ireland; and not hindmost among those causes is the undisguised wish and the underhand endeavors of English statesmen, English ministers, and English papers, to diminish still further the number of "Celts" in Ireland, and drive the brute into their place. Unhappily, this policy is

* "Moral Philosophy."

English all over the globe. Unhappy India has experienced its fell effects.

Inveighing against the English devastators of that teeming country, Edmund Burke remarked, that "they had come to look upon a generation of human beings as on a frog in an air-pump." The Carlises, the Peels, the *Timeses*, the Malthusians of senate and press, never take time to "enter into themselves," and ask : "Well, may not these 'surplus,' whom we would thus clear off without a pang, be as profitable members of the community as we?" For my part, I protest I think the world—this wide orb of ours—would move about and revolve in its annual and diurnal course as smoothly and as regularly, were every such a human creature living as the right hon. baronet and his territorial protégés of Ireland gathered to their fathers; the result would simply be, so many mouths less to consume what they contribute nothing to earn. The humble creatures whom these men would have banished anywhere, to live or die, only want work, and protection in doing the work; an opportunity of earning bread at home, even for the consumption of their deporters, and they will not be heard. Go they must. "The barren fig tree" claims a right for ever to "encumber" the earth, while "the good tree bearing good fruit" must be "cut down and cast into the fire."

In short, the Malthusians set off with the assumption that our misery is caused, not by *rack-rents*, not by absenteeism, evictions, consolidation, unequal taxation, provincial inferiority, and hideous misgovernment, but by our excess of numbers. A million less, and the land begins to flow with milk and honey ! !

Well, perhaps, the best way to test this assumption is to consider the condition of the country when its population was only a small fraction of what it is even now.

The following is a pretty reliable list of the population of the country since 1641.

HOW ASCERTAINED :

1641	Sir W. Petty	1,466,000
1672	Do.	1,100,000
„	corrected Do.	1,320,000
1695	Captain South	1,034,102
1712	Thomas Dobbs	2,099,094
1718	Do.	2,169,048
1725	Do.	2,317,374
1726	Do.	2,309,106
1731	Established Clergy	2,010,221
1754	Hearth-money collectors	2,372,634
1767	Do.	2,544,276
1777	Do.	2,690,556
1785	Do.	2,845,932
1788	Gervis Parker Bushe	4,040,000
1791	Hearth-money collectors	4,206,612
1792	Rev. Dr. Beaufort	4,088,226
1805	Thomas Newenham	5,395,456
1814	(Incomplete of 1812)	5,937,856
1821	(55 Geo. III. c. 120)	6,801,827
1831	... ..	7,767,401
1841	... ..	8,196,597
1851	... ..	6,574,279
1861	... ..	5,798,564

The above figures are well worth preserving in memory, as showing that other causes besides “surplus population” may well account for dearth of sustenance.

Between 1641 and 1652, when the population never exceeded a million and a half—in fact, it decreased by 500,000—flour, according to Mr. Newenham, had risen

in price "above 400 per cent."* But as this was the exceptional period of the "great rebellion," the dearth then might be accounted for by the combined causes of neglected husbandry and the ravages of war.

In 1672, with a population, according to Sir William Petty, of only 1,110,000, or, corrected, 1,320,000, "with a soil of surpassing fertility, and only about forty individuals on the square mile, the wretchedness of the masses of the people was beyond description." Their food he describes as—"cakes, whereof a penny serves a week for each; potatoes from August till May; mussels, cockles, and oysters, near the sea; eggs and butter made very rancid by keeping in bogs. As for flesh, they seldom eat it. They can content themselves with potatoes."†

So much for their diet two hundred years ago, when the population was only about a fifth of the present; while as to their lodgings, they were only "wretched cabins," "lamentable sties," "such as themselves could make in three or four days," "not worth five shillings," &c., &c.;‡ as, in the days of Spenser, they were "sties rather than houses, which were the chiefest cause of the farmers leading so beastly a manner of life and savage condition, lying and living together with his beast, in one house, in one room, in one bed—that is, clean straw, or rather a foul dunghill."§

Dobbs, the author of the "List of Absentees," under the name of "Prior," complains that, "our common people are very poorly clothed, go bare-legged half the

* "Statistical Inquiry," *ap.* Sadleir, p. 18.

† "Political Anat. of Ireland," tracts, p. 379.

‡ *Ibid.*, tracts, pp. 10, 327, 351, 354.

§ "View of the State of Ireland." Works, vol. vi. p. 134. Sadleir, pp. 12, 13.

year, and very rarely taste of that flesh meat with which we so much abound, but are pinched in every article of life." And again, "our weavers are starving for want of employment."*

And when this was written the population of Ireland little exceeded 2,000,000, being, according to the "Established Clergy's" return, only 2,010,221 in 1731, or two years after the publication of the "List."

Almost in the same terms does Swift describe the condition of the multitude throughout his own day: "The families of farmers, *who pay great rents*, living in nastiness and filth, on buttermilk and potatoes, without a shoe or stocking to their feet, or a house so convenient as an English hogsty to receive them."† Nor did the patriotic dean fail to refer this squalid misery to its proper cause, which was not surplus population, but absenteeism, rack-rentism, &c., for, says he, "these are the comfortable sights which await an absentee, who may be induced to travel for once amongst them to learn their language," &c.‡

Primate Boulter, the intimate friend of Dobbs, adds his testimony to that of his *protégé*. "If our crops fail," said he, "or yield indifferently, our poor have not money to buy bread. This was the case in 1725, and last year, and without a prodigious crop will be more so this year. When I went my visitation last year, barley, in some inland places, sold at six shillings the bushel, to make bread of; and oatmeal, the bread of the North, sold for twice or thrice its usual price. We met all the roads full of whole families who had left their houses to beg abroad, since their neighbors had nothing to relieve them with. And as the winter subsistence of the poor

* "List of Abs.," pp. 32-8.

† "Short View," as above.

‡ *Ibid.*

is chiefly potatoes, this scarcity drove the poor to begin with their potatoes before they were full grown, so that they have lost half the benefit of them, and have spent their stock two months sooner than usual. And oatmeal is, at this distance from harvest, in many parts of the kingdom, three times the customary price; so that this summer will be more fatal to us than the last, when, I fear, many hundreds perished of famine."* Elsewhere, in a letter to the Duke of Newcastle, he says: "I am sorry I am obliged to give your grace so melancholy an account of the state of this kingdom . . . suffering little less than a famine every other year."† And this chronic state of famine, at that time, may well account for the otherwise inexplicable decrease of population from 2,317,374 souls in 1725, to 2,010,221 in 1731; two years after the date of the letter to his grace. In 1740-41, the poor perished by thousands of sheer want. So, likewise, in 1757, when the king transmitted £20,000 to the lord lieutenant to be expended in relief; in 1765, when provisions reached to famine prices;‡ in 1770-71, when there were over forty acres of land to every family in the island.§

During the whole century above sketched, we find epidemics, as a natural consequence, following in the wake of scarcity. "Hundreds of thousands of the population," says Sir William Temple, "were periodically swept off by the plague"||—a kind of fever which prevailed during a good portion of the seventeenth century.¶ "In 1684," says Sadleir, "a very severe epidemic occurred. Four years afterwards it again made its appearance. About the year 1708 a similar calamity was again *general*; and

* "Letters," vol. i. p. 222.

† *Ibid.* p. 241.

‡ "Commercial Restraints," pp. 47-60, and *passim*.

§ Wakefield's "Account," vol. ii. p. 10.

|| Works, vol. iii. p. 7.

¶ Dr. Boate's "Nat. Hist. of Ireland," Sadleir, p. 23.

it returned after a much shorter interval than before, and raged in 1718, 1719, 1720, and 1721 ; for it is a lamentable fact that the fevers of Ireland—especially those of the earlier periods alluded to—seldom subsided in less than three or four years. . . . Then, again, from 1728 to 1732 there was a fever of five years' continuance experienced, after an intermission of seven years only. The fever returned again after a lapse of eight years, and continued, indeed, a much shorter time than before ; but it more than compensated, in the eyes of our modern philosophers, for the shortness of its duration, by the 'clearance' it made of the 'redundant numbers.' In this dreadful visitation, Dr. Rutty, the accurate historian of the weather, health, &c., of Ireland, says one-fifth part of the people perished. A lower estimate—indeed the lowest—computes the victims of this dreadful period at 80,000 ! Dr. Short says it was little short of the plague in fatality. Now at this period there were probably fewer than seventy inhabitants to every square mile in one of the most fertile countries in the world. Will, then, any of our anti-populationists, dare to attribute this calamity to the laws of population and Providence ? On the contrary, it fell the heaviest where the population was thinnest, that is, in the province of Connaught, and in Galway, in that province, the thinnest-inhabited county in the country."*

It would be impossible to strengthen the force of these remarks. Had the population been eight millions instead of an average of two millions and a fraction during that century, our M'Cullochs, Malthuses, Peels (junior), and company, would have found in the "redundant population" an easy explanation of the combined calamities of

* Sadleir, pp. 23, 24 ; quoting Rutty, Short, Baker, and Cheyne.

famine and pestilence ; but, with even a deficient population, they will have to travel elsewhere in search of explanatory causes. Will rack-rents, absenteeism, neglect of industry, commercial and agricultural, evil legislation, and all their concomitants, account for the singular phenomena? "The greatest and most fundamental defect in this kingdom," says Petty, "is the want of inhabitants ;" yet the insufficient population went on starving to death. "At least five children in six who are born," says Swift, "lie a dead weight for want of employment : . . . above one-half of the souls of this kingdom supported themselves by beggary and thieving, two-thirds whereof would be able to get their bread in any other country in the world."* Writing in 1729, he says there were "a round million (half the entire population) of creatures in human figure, whose sole subsistence, put into a common stock, would leave them in debt two million pounds sterling, adding those who are beggars by profession to the bulk of farmers, cottagers, and laborers, who are *beggars in effect*. . . . In the list of beggars," says he, "I reckon all cottagers, laborers, and *four-fifths* of the farmers."†

The very state of things that suggested his "Modest Proposal for preventing the children of the poor people from being a burden to their parents," will furnish an adequate idea of the extent of Irish misery at the time it was written.

"The number of souls," writes he, "in this kingdom being usually reckoned *one million and a half*, of these I calculate there may be about two hundred thousand couple whose wives are breeders ; from which number I subtract thirty thousand couple who are able to maintain their own children (although I apprehend there cannot

* "Maxims Controlled."

† "Modest Proposal."

be so many under the present distresses of the kingdom). . . . The question, therefore, is, how this number (one hundred and twenty thousand children annually born) shall be reared and provided for? which, as I have already said, under the present situation of affairs, is utterly impossible by all the methods hitherto proposed. . . . I do, therefore, offer it to the publick consideration, that, of the one hundred and twenty thousand children already computed, twenty thousand may be reserved for breed. . . . That the remaining one hundred thousand may, at a year old, be offered in sale to persons of quality and fortune through the kingdom; always advising the mother to let them suck plentifully in the last month, so as to render them plump and fat for a good table. . . . I have reckoned, upon a medium, that a child just born will weigh twelve pounds, and, in a solar year, if tolerably nursed, will increase to twenty-eight pounds.

“I grant this food will be somewhat dear, and, therefore, very proper for *landlords*, WHO, AS THEY HAVE ALREADY DEVoured MOST OF THE PARENTS, HAVE THE BEST TITLE TO THE CHILDREN.” After dilating on the succulent properties of infant flesh for nurses—“I have already computed the charge of nursing a beggar’s child (in which list I reckon all cottagers, laborers, and four-fifths of the farmers) to be about two shillings per annum, rags included; and I believe no gentleman would repine to give ten shillings for the carcass of a good fat child, which, I have said, will make four dishes of excellent, nutritive meat, when he has only some particular friend or his own family to dine with him. Thus the squire will learn to be a good landlord, and grow popular among the tenants; the mother will have eight shillings neat profit, and be fit for work till she produces another child.”*

* “Modest Proposal.”

thrifty (such as the times require) to flay the carcass, the skin of which, artificially dressed, would make admirable gloves for ladies and summer boots for fine gentlemen ;” “ the establishment of shambles, butchers being sure not to be wanting,” and the “ buying the children alive, and dressing them hot from the knife as we do roasting pigs.”

Was there ever such a satire on the political economy of a country ? What would he suggest were he to live to-day, when our landlords devour parents, children, land, and all ?

Having thus disposed of the infants, he came to the grown-up portion of the “ beggars,” and, at the suggestion of “ a very worthy person, a true lover of his country,” recommends that “ the want of venison might be well supplied by the bodies of young lads and maidens, not exceeding fourteen years, nor under twelve—so great a number of both sexes being ready to starve in every country for want of work and service. Neither, indeed, could he deny that, if the same use were made of several plump, young girls in this town (Dublin), who, without one single groat to their fortunes, cannot stir abroad without a chair, and appear at a play-house and assemblies in foreign fineries, which they never will pay for, the kingdom would not be the worse.” And, lastly, as to “ these vast number of poor people who are aged, diseased, and maimed,” he was “ not in the least pained upon that matter, because it was very well known that they were every day *dying and rotting by cold, famine, and filth, and vermin*, as fast as could be reasonably expected.”*

Such is the picture of Irish wretchedness when our population was only “ one million and a half.”

* Works, vol. ix., pp. 289-90-1-2, &c.

He meets the "one objection which could possibly be raised against his proposal"—"the number of our people would thereby be much lessened in the kingdom." But this, he freely owns, "was indeed his principal design in offering it to the world ;" besides that, "it would greatly lessen the number of Papists with whom we were yearly overrun, being the principal breeders of the nation, as well as our most dangerous enemy." He again impresses upon us that he "calculated his remedy for this one individual kingdom of Ireland, and for no other that ever was, is, or, he thought, ever could be, upon the earth."

Pursuing the same strain of overwhelming sarcastic irony, he says : "Therefore, let no man talk to me of other expedients, of *taxing our absentees* at 5s. a pound ; of using neither clothes nor household furniture except what is of our own growth and manufacture ; of utterly rejecting the materials and instruments that promote foreign luxury ; of curing the expensiveness of pride, vanity, idleness, and gaming in our women ; of introducing a vein of parsimony, prudence, and temperance ; of learning TO LOVE OUR COUNTRY, IN THE WANT OF WHICH WE DIFFER FROM LAPLANDERS, and the inhabitants of TOPINAMBOO ; of quitting our animosities and factions, nor acting any longer like the Jews, who were murdering one another at the very moment their city was taken ; of *being a little cautious not to sell our country and conscience for nothing*," and "TEACHING LANDLORDS AT LEAST ONE DEGREE OF MERCY" !!!*

So also, at present, let us pass all such natural remedies for the national ailment by ; let luxury, and oppression, and disregard of country in high places have their full swing ; let landlords be still exempt from the duty of learning even "one degree of mercy ;" only let the people, infants, young, old, men, women, all, "go with a

* *Ibid.*

vengeance," and our now "blighted, blasted" island is converted forthwith into an El Dorado of wealth, comfort, and happiness.

In conclusion, he asks "the parents of those mortals whether they would not, at this day, think it a great happiness to have been sold for food at a year old, in the manner prescribed, and thereby have avoided such a perpetual ordeal of misfortunes as they have since gone through, by THE OPPRESSION of LANDLORDS, *the impossibility of paying rent without money or trade*, the want of common sustenance, with neither house nor clothes to cover them from the inclemency of the weather, and the most inevitable prospect of entailing the like or greater miseries upon their breed for ever."*

During the eighty years succeeding the Revolution, when the population did not average 2,000,000, corn was continually imported, and the masses were starving. Now, however, we export in immense quantities, and the producers are left either to starve or to export themselves.

Sadleir, quoting from a useful little work called "Statistical Illustrations," gives the amount of exports as follows :—

"With an ignorance and pertinacity presumptuous as the expatiations and assertions adverted to above are fallacious and delusive, it is asserted that the misery of Ireland arises from an excess of population beyond the power of the country to supply subsistence ; but in the face of such an assertion, and whilst an appeal was being made to England to rescue Ireland from famine, and a subscription of £304,181, in 1822, was raised on that plea ; £30,882 only of which was expended for articles of subsistence, and £9,374 in potatoes for seed, the

* Works, vol. ix., p. 298.

remainder being distributed in money (paid, no doubt, in rent), Ireland exported articles of subsistence alone to no less an amount (at the very reduced value of that year) than £4,518,832; and in the three years, 1821, 1822, 1823, to the enormous amount of upwards of £16,000,000; whilst nearly the whole of the remaining exports, to the amount of upwards of £10,000,000 more, in those three years, were composed of the products of Irish soil.”*

The value of provisions exported to Great Britain in 1821, was £5,338,838; while in 1825 (a famine year) it reached the figure of £7,048,936—all finding its way into the landlords’ pockets, while the producers were starving. In other words, then, as now, the industrious producers of food—they on whom the whole community has to rely for its very existence, on whom the whole machinery of society has to turn as on its fulcrum—had to part with the very necessities of life in order to enable the idle, the indolent, the useless drones of the human hive, to gorge themselves with every luxury.

“There is no country in Europe,” says “Prior,” a hundred and forty years ago, “which produces and exports so great a quantity of beef, butter, tallow, hides, and wool, as Ireland does; and yet our common people are very poorly clothed, go bare-legged half the year, and very rarely taste of that flesh meat with which we do so much abound. We pinch ourselves of every article of life, and export more than we can well spare, with no other effect or advantage than to enable our gentlemen and ladies to live more luxuriantly abroad. . . . And they are not content with this; they reproach us with our poverty at the same time that they take away our money.” †

* “Evils of Ireland,” p. 8.

† “List of Absentees,” p. 33.

"The Dublin Society," writes Sadleir, "proves, by an exact calculation, that they might maintain twenty poor families for a whole year with the quantity of beef and mutton which they exported for buying a lady's head-dress."*

Bishop Berkley, among other instructive queries, asked over a hundred years ago, "whether it is possible the country should be well improved while our beef is exported, and our laborers live on potatoes?"

"Whether the quantities of beef, mutton, wool, and leather exported from this island can be reckoned the superfluities of a country where there are so many natives naked and famished?"

"Whether the way to make men industrious be not to let them taste the fruits of their industry? and whether the laboring ox should be muzzled?"†

We must never lose sight of the fact that when Ireland was least populous she was an importer of food, and her people were starving. When most populous she largely exported; yet her people starved all the same. In fact, some of the very best authorities, such as Sir William Temple, Lord Clarendon, Dean Swift, Sir William Petty, even attribute the prevailing want of food, in their day, to the want of people.‡

"The greatest and most fundamental defect of this kingdom," says the latter, "is the want of people.§

"For several years past," says the author of "A Plea for Toleration," "we live mostly on the bread imported hither from foreign nations. We even import corn from North America, and we suffer many of our people to

* "Ireland, its Evils and its Remedies," p. 62.

† "A Plea for Toleration," *supra*.

‡ See Sadleir, p. 26.

§ "Anat. of Ireland," Tracts, p. 388. Sadleir, *ibid*.

transport themselves thither, and for ever, to cultivate for us. . . . For four years past this importation of corn has cost us annually, on an average, better than £300,000. . . . Let the bread of foreign lands feed our manufacturers. You put the useful arts, and the most useful of all, the linen manufacture, into the hands of a step-dame. In the arms of so unnatural a nurse, the child must certainly be stunted, and until you restore it to the true mother it cannot thrive.”*

And when the above was written, the population was only 2,690,556.†

Yet while some were left to “transport themselves,” the majority had “to gain a livelihood by thieving at home, others by earning abroad the rents of their plots and potato gardens, while the wives and children of the greater part infest every quarter of the island in the shape of naked beggars.”‡

Yes, indeed, in 1777 Ireland “grew her own bread ;” but the most precious part of it she had to export, getting nothing in return but luxuries for landlords. Even the very “grain” that was imported went chiefly into his kitchen. They who raised the grain had to live on the potato. Even they who raised the beef and mutton had to put up with a like fare.§

Paley refers as follows to the “two things on which the prosperity of any country rests :” “The effect of trade upon agriculture, the process of which we have been endeavoring to describe, is visible in the neighborhood of trading towns, and in those districts which carry on a communication with the markets of trading towns. The husbandmen are busy and skilful ; the peasantry laborious ; the land is managed to the best

* Pp 31-2.

† Hearth-money Collectors’ Census.

‡ “A Plea for Toleration.”

§ *Ibid.*

advantage, and double the quantity of corn or herbage (articles which are ultimately converted to human provision) raised from it, of what the same soil yields in remoter and more neglected parts of the country. Wherever a thriving manufactory finds means to establish itself, a new vegetation springs up about it. I believe it is true, that agriculture never arrives at any considerable, much less at highest, degree of perfection, when it is not connected with trade; that is, when the demand for the produce is not increased by the consumption of trading cities. Let it be remembered, then, that agriculture is the immediate source of human provision; that trade conduces to the production of provisions only as it promotes agriculture; that the whole system of commerce, vast and varied as it is, hath no other public importance than its subserviency to this end.*

“By no means,” replies the late Lord Carlisle, “as far as Ireland is concerned. She is the ‘fruitful mother of flocks and herds,’ and, with her being so, we must make her trade consistent.” Her trade, however, is ruined. There were more bankruptcies throughout the country within the last five years, even than during any half-decade of the present century—and consolidation goes on.

But, in confirmation of Paley’s doctrine, we have the great fact that, not alone did trade, commerce, and agriculture advance *pari passu* during the eighteen ante-Union years, but that they progressed with strides unparalleled in the history of any country. “It is universally admitted,” said Mr. Cooke, “that no country in the world ever made such rapid advances as Ireland has done in all these respects” (“population, agriculture, manufactures, wealth, and prosperity”).† “There is

* “Moral Philosophy.” † “Arguments for the Union,” 1799.

not a nation in the habitable globe which has advanced in cultivation and commerce, in agriculture and manufactures, with the same rapidity in the same period" (1798). So that, of the decaying trade of Ireland, we have a sufficient explanation in the wholesale grazing system.

And for the melancholy truth of this statement, we have only to walk the streets of any town in Ireland, and especially those about which the clearance system has been extensively carried on. There is Westport, for instance, Castlebar, Ballina, Ballinrobe, Hollymount, Tuam, Galway, Loughrea—what a forlorn aspect they present to the eye of the stranger! what a contrast to their appearance a quarter of a century ago! Tumble-down houses, empty shops, unemployed tradesmen, anxious-looking idlers vainly seeking for work—such is the rule; and all this the result of depopulation, as impolitic as it was heartless.

But, to revert to the topic directly under consideration, let us consider a little further evidence on the subject.

In 1822, when the people were dying by tens of thousands of famine, Cobbet assures us that "thousands of quarters of corn had been imported every week from Ireland to England."*

Nearly forty years ago, in 1830, Mr. Butler Bryan, already referred to, expresses his censure of Irish landlords, and his estimate of the country's resources, in the following terms:—

"If," writes he, "the landlords were compelled by a labor rate to do their duty, there cannot be the slightest doubt that Ireland would give employment to more than her own population.

* *Register*, July, 1822.

“With all the sources of productive labor for an increasing population, the emigration scheme is a political bubble—the worst offspring of the wildest and most mischievous reveries of Malthus.

“However interested individuals may seek to disguise the fact, it is alone to the pressure of the population, in almost every country, that mankind are indebted for their deliverance from oppression ; it is the urgent wants of an increasing population that have forced legislators to reform bad laws, and have instigated the people to co-operate for their common benefit.”*

The following table conveys its own lesson. It is taken from the Report of the Select Committee on the State of Ireland, 1830, also :—

Year.			Exports to Great Britain.		
			£	s.	d.
1801	...	...	3,270,350	12	0
1805	...	...	4,067,717	1	7
1809	...	...	5,316,557	5	1
1813	...	...	6,746,353	12	10
1817	...	...	4,722,766	0	3
1821	...	...	5,338,838	4	6
1825	...	...	7,048,936	5	6

Add to this the amount of provisions annually supplied to the navy and merchant vessels in Irish ports, and we may fairly approximate to the figure of Irish produce consumed abroad, while the producers starve at home. Indeed, these estimates must be under the mark ; for the amount exported from Waterford alone in one year, 1829, was valued at £2,136,934.† From Limerick, during the three years ending the famine year of 1822, the exports amounted to £1,685,256, while in 1829 it rose to

* “Practical View of Ireland,” p. 287.

† *Ibid.*

period—but actually exported a surplus of much above a million quarters.”

But, to make the phenomenon still more remarkable, he furnishes two other columns of figures, to show that even with the miserable population of 1727 the cattle fructified as little as the men :—

IRELAND.	
Value of the produce of Cattle and Sheep exported on the average of eight years, ending 1727. Population, 2,300,000 ; or, 71 to each square mile.	Value of the produce of Cattle and Sheep exported in 1821. Population, 6,801,827 ; or, 211 to each square mile.
Total average value, £623,177*	Total value ... £3,705,993†

And on these figures he makes the following commentary :—

“The argument might be minutely pursued through the intervening period ; but it is unnecessary. It is singular enough, however, to observe that, midway between those two dates (1777), the population having considerably advanced, there was nearly a balance between the imports and exports of grain ; or, in other words, Ireland about grew its own bread. Since, then, the population has rather more than doubled ; how has the constant tendency, which our theorists perpetually assert, been manifested ? By sextupling the agricultural produce.”†

Perhaps the most melancholy instance of Irish starvation, in the midst of plenty, is found in the dreadful famine of 1846-47. For details of the horrors of this

* Dobbs’ “Essay on Trade,” &c., p. 17. † Public Accounts.

† Colquhoun : “Wealth, Power, and Resources of the Empire,” p. 14, note.

visitation I beg to refer the reader to the "Transactions of the Society of Friends," in the perusal of which we are hardly more horrified at the scenes of unutterable misery reported of the poor, than at the apathy and want of co-operation, or pity, or sympathy, on the part of the bulk of the landlords.

Before furnishing the statistics of exports of food, let us glance at a picture or two of the ravages wrought by famine among the people. Speaking of the village of Cleggan, on the western coast of the county Galway, the "Report of Transactions of the Society of Friends" says : "The distress was appalling, far beyond my power of description : I was quickly surrounded by a mob of men and women, more like famished dogs than fellow-creatures, whose figures, looks, and cries, all showed that they were suffering the ravening agony of hunger. . . . I felt it was useless to attempt to contend with particular cases amid such a mass of misery. . . . In one cabin there were two emaciated men lying at full length on the damp floor, in their ragged clothes, too weak to move, actually worn down to skin and bone. In another a young man lay ill of dysentery ; his mother had pawned everything—even his shoes—to keep him alive ; and I never shall forget the resigned, uncomplaining look with which he told me that all the medicine he wanted was—FOOD!!!

"In one house (in Oughterard) a man and his wife and four children were said to have died of want."

After describing the "Christian responsibility" resting on all the authorities concerned, he writes : "My hand trembles as I write. The scenes of human misery and degradation we witnessed still haunt my imagination, with the vividness and power of some horrid, tyrannous delusion, rather than the features of a sober reality. We entered a cabin : stretched in one dark

corner, scarcely visible, from the smoke and rags that covered them, were three children huddled together, lying there because they were too weak to rise, pale and ghastly, their little limbs, on removing a portion of the dirty covering, perfectly emaciated, eyes sunk, voice gone, and evidently in the last stage of actual starvation. Crouched over the turf embers was another form, wild, and all but naked, scarcely human in appearance. It stirred not, nor noticed us. On some straw, soddened upon the ground, moaning piteously, was a shrivelled old woman, imploring us to give her something—baring her limbs partly, to show how the skin hung loose from the bones, as soon as she attracted our attention. Above her, on something like a ledge, was a young woman, with sunken cheeks—a mother, I have no doubt—who scarcely raised her eyes in answer to our enquiries, but pressed her hand upon her forehead with a look of unutterable anguish and despair. Many cases were widows whose husbands had been recently taken off by the fever. . . . In many the husbands and sons were prostrate under that horrid disease—the result of long-continued famine and low living. . . . We entered upwards of fifty of these tenements. *The scene was invariably the same, differing in little but the number of the sufferers, or the groups* occupying the several corners within. The whole number was not often to be distinguished until—the eye having adapted itself to the darkness—they were pointed out, or were heard, or some filthy *bundle of rags and straw* was perceived to move. Perhaps the poor children presented the most piteous and heart-rending spectacle. Many were too weak to stand—their little limbs attenuated, except where the frightful swellings had taken the place of the previous emaciation. Every infantile expression had entirely departed; and, in some, reason and intelligence had evidently flown. . . . *In one cabin*

was a sister, just dying, lying by her brother, just dead. I HAVE WORSE THAN THIS TO RELATE, BUT IT IS USELESS, and they are, in fact, UNFIT When we inquired the cause, the answer was alike in all: ‘*Tha sheir ukrosh—Indeed downright hunger.*’ ”*

Ex uno disce omnes.

And in this “appalling” state of destitution what do we find? Why, the exportation of 1,875,393 quarters of grain alone during the year that witnessed these revolting horrors;† while the total exports, according to Mr. Martin, of Loughhorn, in a letter published October, 1847, were valued at £15,000,000, double enough to save every Irish life sacrificed to the genius of English political economy!!!

I quote from Appendix 15 to the famous sermon of the illustrious Bishop of Orleans at St. Roch’s, Paris, in 1861, on the occasion of the Partry evictions: “The following are, according to official returns, the details of exportation from Ireland to England (for July, August, and September, 1846, alone):—

				Qrs.
Wheat	...	...	...	59,478
Barley	...	...	...	18,417
Oats	...	...	...	245,067
Meal	...	...	...	242,257
Oatmeal	...	...	...	138,241
Bullocks and heifers...			...	33,850
Calves	...	...	...	1,923
Sheep and lambs	...		...	56,609
Pigs	...	...	...	124,762

“The *Daily News* of October 3rd, 1847, states that ‘in

* “Transactions,” pp. 163-4.

† Thom.

the London markets the oats chiefly consisted of the last harvest in Ireland.' We read in the *Examiner* of the 4th October, that in one day there came from Ireland to London 11,050 quarters of grain.

"The *Drogheda Argus* tells us that, in the week ending the 3rd October, there were shipped off from Drogheda 1,200 cows, 3,500 sheep and pigs, 2,000 quarters of wheat, 211 tons of meal, 130 boxes of eggs, besides butter, pork, &c. Waterford, during the same week (*Evening Post*, 3rd October), exported 250 tons of meal, 1,100 sheep and pigs, 308 horned cattle, 5,400 barrels of flour and oatmeal, 7,700 firkins of butter, and 2,000 fletches of lard.

"From Newry there left for England, in the course of five days, in the end of September, eleven vessels laden with wheat, not to speak of the steamboats that start four times a week, carrying cattle, butter, eggs, &c., &c.

"In a word, during the four years of famine, Ireland *exported* FOUR *quarters of grain against* ONE imported, and part even of the imports was grain previously exported, and came back to the luckless consumers after its speculators had secured their gain.

"In Thom's 'Government Directory' for 1853 (an official annual), we find the report of Captain Larcom, government commissary in 1847, in which he estimates the produce of Ireland during that year at 16,248,934 quarters of wheat, and 8,785,144 tons of potatoes, besides cattle, fowl, &c., &c.

"This amount would suffice to support sixteen millions of men. It was consumed, but not by the Irish."

Could there be a more conclusive reply to the cry of "surplus" population? In a year when nearly 2,000,000 out of 8,000,000 either died of starvation, or fled the country to avoid it, that country teemed with its native

aliments so as to support 16,000,000 !!! Who are to blame?—The government and THE LANDLORDS.

May we not, then, fairly conclude, with Sir R. Kane, that, with ordinary care and culture, with the encouragement and protection of native industry, and especially of her agriculture, Ireland could support her full 20,000,000 in plenty and comfort. Yet a statesman lives who blushes not to declare that, being only five millions and a half, we are, as yet, a million too many. So said Sir Robert Peel last year in his senatorial place and capacity. What can Ireland expect while such men as he have the making of our laws and the measurement of our population?

This population is yearly growing less. Are the material resources of the country progressing on the other hand? On the contrary, the official statistics, published this very year, show a general “decrease.”*

Sir Robert Kane, as has been stated, reckons that the soil of Ireland is capable, under proper management, of supporting in comfort 20,000,000 souls.† Monsieur de Beaumont says 25,000,000. Sir Arthur Young mounts his estimate to 100,000,000 ! ‡ Nor need we wonder when we read the following in Wakefield: “Mr. Stepney, last year, had two acres and a half of potatoes, which fattened four bullocks, maintained eighteen pigs, produced seed for four acres more, and supplied his own family, consisting of twenty persons.”§ And Mr. Curwen informs us that “one acre of potatoes would feed, at least, ten persons the year round.”|| Thus, while it will take two acres of grass to fatten two bullocks, two acres and a half of potatoes will fatten double the num-

* See Registrar-General's returns. † “Industrial Resources.”

‡ “Tour through Ireland,” vol. ii., part 2, p. 24.

§ “Account of Ireland,” vol. i., p. 450.

|| “Observations on the State of Ireland,” vol. ii., p. 122.

ber, along with nine times the number of pigs, ten times the number of people, besides supplying seed for nearly double the quantity of land. By these remarks, however, I am very far from recommending an exclusive reliance on what Sadleir calls "this inestimable root."

I have now before me the official agricultural returns for 1863-4-6, by Mr. Donnelly, Registrar-General, and glancing over their pages, I find the ominous word "DECREASE" prefixed to the several items of "cereals," "green crops," "meadow and clover," with the exception of the latter in 1864—the total amount of decrease for the respective years being 92,431, 122,437, 128,725; while the "decrease" in population, or, at least, the drain by emigration, was respectively 80,506, 84,586, 74,195, or 249,277—a quarter of a million in three years, which, as compared with "the four last unfavorable years" (as he calls the four years preceding '63), might be deemed "prosperous."

A glance at the statistical columns of the last decade or more of years, as furnished officially by Mr. Donnelly, will tell the terrible tale that we are almost uniformly descending the incline of retrogression in all the elements that make a nation great and strong. For instance, the total value of horses, cattle, sheep, and pigs in 1855 was £33,053,478; in 1865 it was only £32,817,007; while it was a million and a half less than in 1859, when the value was as high as £35,368,257. While I am actually writing these figures the yearly returns for 1869 have just come to hand; and what do I find? The total value of these products less by £456,897 this year than ten years ago, while the number of acres "under crops" is less by, in round numbers, 180,000 than it was in 1862. That year it was 5,753,610. This year it is only 5,575,843, though this is an increase of 27,872 over last year; while, from January to June, no less than 54,246

persons, the bone and sinew of the country, have emigrated, "*not intending to return*," being in excess of last year's return for the same period, of 2,639.

But—worst of all !—the returns just before me show a total decrease of acreage under crops this year, as compared to 1852, of 273,108 acres,* while our deficit in population by emigration alone, since 1851, is, on the authority of the present returns, 1,917,077—within a fraction of two millions !! Thus, with our people, have our sources of national wealth dried up in every single department. A few only have grown rich—the people grow poor and fly and perish.

After showing that the means of sustenance keep pace with the increase of population, according to an economic law of nature, Mr. Sadleir remarks :—

"On the other hand, it is clearly shown that in every country where the inhabitants have unhappily diminished, there, instead of the means of subsistence having been more liberally dispensed, the population has been invariably still more degraded and reduced in condition than in numbers :"[†] which is literally true of Ireland.

And how is this phenomenon of the decay of national wealth with that of population to be accounted for? Very easily. By the land's being allowed to grow "waste," or, as Swift says it, "by giving up the land of the country to beef and mutton." All agriculturists agree that an acre of average pasture will only badly nourish one cow, badly fatten one bullock, during the year. Till that acre with care, and it will give you food enough for four at least. Now, nearly two-thirds of the "profitable" lands of the country, or over 10,000,000 acres, is only giving grass, while only 5,500,000 acres, in

* *Vide* Thom for 1852, p. 91.

[†] Introduction to "Ireland, its Evils and its Remedies."

round numbers, is "under crops." One acre cropped is as productive as four uncropped; therefore, by the present system of extensive grazing we reap only about one-eighth of the produce which our land, even in its present state of defective cultivation, might produce; while, with improved agriculture, and the stimulus to industry supplied by security of tenure, the net return might be doubled, and we could produce sixteen times as much as we actually do. Let us add to this the result of the reclamation of the four million acres now "waste," but capable of reclamation, and we will not be far astray in reckoning the annual return of the land at twenty times what it now is under the grazing system.

The soil is proverbially fertile—the theme of every foreign pen that has written about the country. "A goodly and commodious soil," &c., says Spenser ("View"). "Superior to England as a soil," writes Leonce de Lavergne ("Essay on Rural Economy"). "The richest soil I have ever seen," says Arthur Young ("Tour through Ireland"). "Proverbially rich," says Kay ("Social Condition and Education"), &c.

How, again and again I ask, is this universal decay, in a soil so fertile, to be accounted for? Very simply, as ever before, by the fact that virtually the land is left wasted. With its ten million acres, and more, of "permanent" pasture, its four million and a half of unreclaimed, but reclaimable land, what other result could we expect? Reclaim the latter, plough the former, and your yearly returns will be indefinitely increased. England, with a total area of nearly 33,000,000 acres, has only 9,000,000 acres in permanent pasture, or something less than one-fourth. Ireland, out of 20,000,000 acres, has fully one-half. The acre of grass will but badly feed a bullock; an acre of crops will go far in feeding a family. There is a man living not five hundred yards from my door, who

has supported, in comparative decency, a wife, an old mother, and seven children, on the produce of less than three acres of land. He also feeds a cow and a couple of pigs in the year. These three acres, left to themselves, would hardly supply food for the cow and the pigs.

Sir R. Kane, in his "Industrial Resources," quotes, among other authors, M. Moreau de Jorme's "*Statistique de la Grande Bretagne et de l'Irlande*," as an authority for the superior productiveness of Irish to English and Scotch soil. The following is his table of proportions:—

	England.	Scotland.	Ireland.
Wheat,	. 18	16	20
Rye,	. 10	12	32
Barley,	. 21	12	21
Oats,	. 16	16	16

Give Ireland the agricultural advantages and developments of England and Scotland, and then talk of scarcity or "surplus population."

According to the census of 1841, the following is the superficial area of Ireland:—

	Acres.
Arable or cultivated	... 13,464,300
Waste or uncultivated	... 6,295,735
Under water	... 630,825
Plantations	... 374,482
Towns ...	... 42,929
Total	... <u>20,808,271</u>

Of the 6,295,735 acres "waste land," it is reckoned that 4,600,000 acres might be profitably reclaimed, thus giving a total of 18,064,300 acres of productive, profitable land. Then taking Mr. Curwen's standard of the souls

to the acre of potatoes, were the units to live, as the ninety-nine out of a hundred, on the potato alone, we almost double the estimate of Mr. Young when he said the soil of the country could support 100,000,000. But, to avoid what might appear to be extravagant calculations, we might allow at least one person to the acre, leaving a fair margin still for "beef and mutton" for the "gentry." And this would almost bring up the calculation to the estimate of Sir Robert Kane, which few will affect to despise. So that, by proper cultivation, instead of being four millions out of five and a half in a state of semi-starvation, as the Irish people are even at present, we might be 20,000,000 living in affluent independence.

Swift once declared that "Ajax was mad when he mistook the flock of sheep for his enemy, but we shall never be sober until we have the same way of thinking."* If the people once took this notion into their head, if they realized the quaint sentiment of the honest Irish parson, how would it fare with the consolidators and mighty graziers? Of what avail would their "malicious injury" laws—laws quite unknown, like all the other landlord agrarian laws, to England, but quite essential for the well-being of poor, buffeted Ireland—be to them in such a case? What sight more provocative to desperation than that of sheep and oxen fattening on the sites of the very hearths round which the happy though humble family circle once clustered in rustic joy? Who can, with any show of justice, allege that, witnessing such sights in patience, and without wholesale retaliation, the Irish are not a long-suffering race? And yet the evil goes on unabated, unredressed. The villages disappear year after year. Their once happy homesteads are levelled with the earth; and where innocent sport

* "Answer to a Memorial," p. 216, &c.

was enlivened by merry song, now nothing is to be witnessed or heard but the huge forms and loud lowing and bleating of flocks and herds—the supreme deity of the consolidating landlord.

How well might it be sung of any of those villages razed by my Lords Lucan and Sligo, Sir Roger Palmer, and Mr. Allan Pollock :—

“ Sweet, smiling village, loveliest of the lawn,
Thy sports are fled, and all thy charms withdrawn ;
Amidst thy bowers the tyrant's hand is seen,
And desolation saddens all thy green.
One only master grasps the whole domain,
And half a tillage stints thy smiling plain.

And trembling, shrinking from the spoiler's hand,
Far, far away, thy children leave the land.
Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.
Princes and lords may flourish, or may fade—
A breath can make them, as a breath has made ;
But a bold peasantry, a nation's pride,
When once destroyed, can never be supplied.”*

* Goldsmith, “ Deserted Village.”

CHAPTER XXI.

WASTE LANDS.

"My opinion is strongly in favor of the possibility of a government and companies (without the loss of a farthing) profitably employing all the unemployed laborers upon small farms on the waste lands."—" *Miseries and Beauties of Ireland*," by Jonathan Binn, Assistant Agricultural Commis., etc., 1837, vol. iii., pp. 445-47.

It would be almost "waste" of time to dwell on the "importance" of reclaiming so many millions of land capable of a highly remunerative cultivation. The subject is almost exhausted. The philanthropic author of the "Plea for Toleration," already quoted, writing just ninety-one years ago, says: "About twenty years ago, some gentlemen of distinguished merit with the public proposed to permit Papists to purchase our morasses and mountain tracts, as the conversion of these nuisances into profitable lands would adorn the face as it would improve the rental of our island. Through such a policy we could acquire a great deal, and lose nothing; it was, besides, an admirable scheme for employing our idle hands, and it would be a great additional strength to ourselves, to be turned immediately against the improvers of such wastes should they hereafter prove guilty of treachery or infidelity to government; but as the attention of the legislature was, *at the time*, drawn another way, the scheme was suspended; and we should wonder that it was never since adopted, had not experience taught us that the best things are little

regarded or absolutely slighted through the facility of obtaining them, while those of doubtful operation are too often preferred.”*

He might have added to “doubtful operation,” “and positive mischief,” for the very laws then passed were most melancholy in their “operation.”

But, as a matter of fact, as we have already seen, an act was passed in 1772 empowering Papists “to take, on a lease of sixty years,” bogs and wastes, with half an acre of dry land convenient for the sake of gravel.

A commission, issued in 1809 on this particular subject, returned four different reports, never read, any of them, most likely, by those who issued the commission, but still available for the curious on the subject.

In 1819-23-30-35, select committees recommended the reclamation of the “wastes ;” yet “waste” they still remain.

In 1810 there was a committee on Irish bogs, and a commission on bogs and accounts. In 1811-13-14, committees again on bogs. In 1814 a commission also on bogs. In 1830 a committee on the poor, which, presided over by Mr. Spring Rice, reported as follows on the question of the “wastes”:—

“When the immense importance of bringing into a productive state five millions of acres, now lying waste, is considered, it cannot but be a subject of regret and surprise that no greater progress in this undertaking has yet been made.”

And the beneficial effects it thus describes :—

“If this work could be accomplished, not only would it afford a transitory but a permanent demand for productive labor, accompanied by a corresponding rise of wages and improvement in the condition of the poor. The severe pressure of clearing farms and ejecting sub-

* “Plea,” p. 41.

tenants might be thus mitigated, and the general condition of the peasantry improved." *

A treasury minute of 1831, printed by order of parliament in 1831, strongly recommended the commissioners of woods and forests to reclaim the crown bog-lands of Ireland. And, as a matter of fact, a portion of the district called Pobble O'Keefe (King William's town), in the county Kerry, consisting of 400 acres, belonging to the crown, were accordingly reclaimed, and with great profit and advantage.

This minute goes on to say:—

"Viewing this subject in relation to the general interests of the country, the preservation of the peace, the relations of landlord and tenant, and the extension of wealth, your committee, though they reluctantly depart from what they consider a general principle, venture to recommend a trial of one or two experiments on a limited scale, *at the public expense.*"†

"My lords, consider' that this interposition of the crown may at once afford an example and give a stimulus to the landed proprietors of Ireland, as well as bring to the test of experiment the various propositions of parliamentary commissions and committees which recommend, as an object of the highest national importance, the reclamation of the waste lands of Ireland, ascertained to exceed the area of five million acres."

And accordingly Mr. Weale was dispatched to examine and report on the question, and reported as follows: "I could scarcely credit the evidence of my senses, that such extensive tracts of land, presenting a variety of fertile soils, and combining many other natural advantages, which were obviously capable of contributing largely to the

* "Committee on the Poor, 1830."

† The recommendation of Mr. Binn.

wealth and prosperity of the nation, had not participated in the general improvement of the country, and remained neglected by the hand of civilization from the period at which its ancient proprietors, the last Earls of Desmond, had been dispossessed of it." (Spenser, let me remark, informs us naively of how these "last earls" were driven into rebellion with the very view of their dispossession.) He then recommends the reclamation of these crown lands, and in reference to others remarks: "This large district of country contains but two small villages, and only two resident proprietors, the distance between whose houses is thirty-eight British miles! It chiefly belongs to absentee proprietors, which, combined with its want of roads and the turbulence of the people, have been the cause of its neglected state."*

This is evidence not to be despised; while its antecedent reasonableness is established by every experiment hitherto made. Among others, the wonderful results on Lord Headley's estate, at Glenbeg, county Kerry also, as reported by Mr. Wiggins, an English practical agriculturist, in his "*Hints to Irish Landlords*," attest its wisdom and justice. The committee of 1835, in reference to this very report, observes: "These reports point out the advantages derivable to the state, the community, the laboring classes, and to England, from reclaiming the waste lands of Ireland, and are founded on the most convincing evidence of the facility with which such wastes may be reclaimed. But it appears from the evidence obtained by your committee, that no efforts have been made to realize the advantages pointed out, except in a few instances. In these, however, the success has been most complete, and, therefore, present undeniable proofs of the practicability and importance of the operations proposed in the reports. . . .

* Report of 1831.

“Unhappily for Ireland, and for the whole kingdom, it has not been heretofore considered sound policy to adopt any public measures towards the development of these extraordinary sources of wealth, or practically improving the Irish peasantry, and hence that fine and fertile country presents such misery, discontent, and crime.”

It is almost impossible to conceive how, after so many and such emphatic pronouncements on the subject, these “wastes” are still locked up, by the pretensions of feudalism, while the brawny arms that would “turn them into gold” are employed in enriching the fields and extending the factories of other and not friendly countries. But they are the “wastes” of a mere province. And when has England acted a just or honest part by any dependency of hers? Mr. Bryan, already quoted, suggests—“a most ample and beneficial field for the employment of the people upon the western coast of Ireland, where there are few or no quays to land goods, and the navigation of the large rivers is impeded by bars, the tributary streams submerging large quantities of land;” while in reference to the “bogs” of Ireland he adds his testimony as follows:—

“The lowest elevation of waste (improvable) land is 203 feet above the level of the sea at low water. Their best manure, limestone gravel, lies in central hills, with every facility to improvement by water carriage.

“The chemical decomposition of peat soils is now well understood; so that, to use the language of Mr. Aiken and Sir H. Davy, such soils may become masses of manure; and there are strong grounds for belief, the latter philosopher declares, that any capital so expended would, in a few years, afford a great and increasing interest, and contribute to the wealth and prosperity of the kingdom at large.

“‘The bogs of Ireland,’ says Young, ‘differ from the

boggy, mossy, fenny lands of England, with regard to the facility of reclaiming, and still more so in point of value. A vast proportion of the unreclaimed land of Ireland is undoubtedly productive ; and nature has been so bountiful, that little skill and small expense will do (according to Newenham) ; while in most other countries the natural manures are scanty, in Ireland they are almost everywhere to be found in the greatest abundance and perfection.'

"The peat soil in the south of Holland, which formerly resembled the bog land of Ireland is now the garden of Europe.

"If the proprietors of waste lands in Ireland will come fairly forward, give the people long leases, and let them at a fair rent, proportionate to their yearly produce, so that each party would have a mutual interest in their improvement, as is the case with Italy and the south of France, and allow also a pecuniary expenditure of £3 an acre, the people will willingly give their present waste-labor without any charge, in expectation of future independence."*

"If"! No! the proprietors of Ireland, as a body, will never "come fairly forward" for any good. They must be driven or dragged, as they are about to be.

In 1845, the Devon Commission made a similar recommendation. According to the return of this commission, furnished by Mr. Griffith, there were, in 1845, 6,290,000 acres of pure waste, over 2,000,000 of which it deems unreclaimable. But were these 2,000,000 acres in the Pays de Waes, once a desert, would they remain long uncultivated? Let them be even now handed over rent free, for sixty years, to peasant proprietors, to be obtained by them at a moderate fine

* "Practical View," pp. 244-6.

from the state, and what may we expect them to be? I have seen, not a quarter of a mile from my door, patches of cut-down bog and mere crags, which I myself deemed unfit for reclamation, and, at the bidding of the spade in willing hands, they have produced crops which I may call luxuriant—potatoes and oats *lodged*.

The benefits of reclamation are illustrated by an instance in the county of Cork, where wastes, valued in their native form at 4d. per acre, were reclaimed, and estimated by Griffith at worth from 7s. 6d. to £1 per acre.

I don't know how many acres or thousands of acres of land Captain Houston has from the Marquis of Sligo, at something under 1s.—much at 4d. per acre. Ninety per cent. of them could be profitably reclaimed, and, in the course of time, would be worth £1 an acre. Thus, supposing only 4,000,000 acres (in round numbers) of waste, capable of profitable cultivation, and that the acre would be worth, to landlord and tenant, £3, we would have, by the improvement, a clear national profit of £12,000,000, or nearly double our present taxation, and treble what it was thirty years ago!

In reference to this Devon Commission, and, in connection with it, the "Waste Land Improvement Society," Mr. Mill writes as follows:—

"The remarkable success of the Waste Land Improvement Society, which proceeded on a plan far more advantageous to the tenant, is an instance of what an Irish peasantry can be stimulated to do by a sufficient assurance that what they do will be for their own advantage. It is not even indispensable to adopt perpetuity as the rule; long leases at moderate rents, like those of the Waste Land Society, would suffice, if a prospect were held out to the farmers of being allowed to purchase their farms with the capital which they might acquire,

as the society's tenants were so rapidly acquiring under the influence of its beneficent system."*

Precisely—"at moderate rents." But leases, short or long, at rack-rents, such as those put on the tenants of the Port Royal estate, are an affair of quite a different complexion.

Appended to the above passage is the following interesting note :—

" Though this society, during the years succeeding the famine, was forced to wind up its affairs, the memory of what it accomplished ought to be preserved. The following is an extract in the proceedings of Lord Devon's Commission,† from the report made to the society in 1845, by their intelligent manager, Colonel Robinson :—

" ' Two hundred and forty-five tenants, many of whom were, a few years ago, in a state bordering on pauperism, the occupiers of small holdings of from ten to twenty plantation acres each, have, by their own free labor, with the society's aid, improved their farms to the value of £4,396—£605 having been added during the last year, being at the rate of £17 18s. per tenant for the whole term, and £2 9s. for the past year; the benefit of which improvement each tenant will enjoy during the term of a thirty-one years' lease.

" ' These 245 tenants and their families have, by spade industry, reclaimed and brought under cultivation 1,032 acres of land, previously unproductive mountain waste, upon which they grew last year crops valued by competent practical persons at £3,896, being in the proportion of £15 18s. to each tenant; and their live stock, consisting of cattle, horses, sheep, and pigs, now actually upon the estate, is valued, according to the present prices of the neighboring markets, at £4,162, of which £1,304

* "Polit. Econ.," b. ii., c. 10

† P. 84.

has been added since February, 1844, being at the rate of £16 19s. for the whole period, and £5 6s. for the last year, during which time their stock has increased in value a sum equal to their present annual rent; and by the statistical tables and returns referred to in previous reports, the tenants, in general, improve their little farms, and increase their cultivation in nearly direct proportion to the number of available working persons of both sexes of which their families consist.'

"Their cannot be a stronger testimony to the superior amount of gross and even of net produce, raised by small farming under any tolerable system of landed tenure; and it is worthy of attention that the industry and zeal were greatest among the smaller holders; Colonel Robinson noticing, as exceptions to the remarkable and rapid progress of improvement, some tenants who were occupants of larger farms than twenty acres—a class too often deficient in the enduring industry indispensable for the successful prosecution of mountain improvements."*

Here, surely, are facts well worthy the attention of British statesmen. They say we are "surplus" by millions, while we really require millions more to bring our million waste acres into a state of cultivation, and thus add to the strength, the wealth, the peace, the happiness of the kingdom.

"What ought to be done, said the Poor Law Inquiry Commissioners of 1837, "we trust will be done. The improvement of Ireland is of the deepest importance to every part of the United Kingdom. At present, with a population nearly equal to the half of Great Britain, she yields only about a twelfth of the revenue 'At present, with a population of only about one-sixth, she

* "Polit. Econ.," *ibid.*

is made to yield the same proportion) ; nor can she yield more till more she has to yield. Increased means must precede increased contributions ; and to supply Ireland with these is the great object of our consideration. We anxiously hope that they may conduce to it, and that Ireland may at length become what Sir William Temple declared long ago, what by wise and judicious government it would become, the right arm of the empire."

Instead of being which, however, she is the "difficulty" and the "danger" of that same empire—all by *unwise and injudicious* "government."

Mr. Kay complains as follows of the extent of waste, yet reclaimable, land throughout the country :—

"Nearly one-third of this rich island is wholly uncultivated, and is nothing more than bogs, moors, and waste lands ; the cultivation of the remaining part is generally of the most miserable kind. Most of the great proprietors have no spare capital to invest in the improvement of their estates, or in bringing any of their waste lands under cultivation. Few even of those who have capital are energetic or intelligent enough to expend it in so rational a manner. Many, if not most, of the resident landlords in the south and west of Ireland, are a jovial, careless, hunting set of squires, who think and care ten times more about their sports than about their lands or tenants, while the farmers and under-lessees of the farmers will not invest capital in the cultivation of their lands, or in reclaiming their bogs, because they have no leases and no security for their outlay. . . . Nor is civilization in *Ireland* merely stationary. It is actually going backwards. In the last few years, hundreds of thousands of acres have been thrown out of cultivation, owing, . . . on the part of the farmers, to want of security, and to being prevented purchasing any part of the strictly entailed estates."*

* *Ibid*, p. 305.

True, the latter cause no longer subsists ; but, unhappily, since its removal, first by the Incumbered, and next by the Landed Estates Court, matters have become worse, by the grasping of the class of purchasers who, as a rule, have come in, and whose one idea is to recover the principal, by "exorbitant rents," in the shortest possible number of years.

Mr. Lynch, late Master in Chancery, speaking of a merely "permissive measure," drafted by himself for the reclamation of the waste land, says : " But if, after a few years, these wastes are not reclaimed, then I do think the legislature would be justified in passing a compulsory law. The owners of these lands cannot be allowed to say : ' We shall not improve these lands, neither shall we avail ourselves of the legislative facilities that are afforded us ; our lands shall be idle and unproductive.' Such a course would be a breach of the social compact, and as it would be materially detrimental to our material interests, we cannot suppose it will be pursued."*

Yet it is pursued, and, detrimental as it is to every interest, even that of the landlords themselves, I fear their " dog-in-the-manger-ism " will continue to pursue it until the dog be muzzled or otherwise put from doing mischief for mischief's sake.

Thornton, writing before the ebb-tide of emigration had begun, and suggesting a means of employing the starving population, says : " Emigration cannot dispose of such multitudes, nor can they betake themselves to the sedentary occupations of towns. The employment afforded them must be agricultural, and must be procured in Ireland, yet not on the land already under cultivation. Where, then, can they be provided for ? The question

* " Measures for Ireland," p. 57.

admits of but one answer. They must be transferred to the waste lands."*

But, in the language of Mill, "since these words were written, events unforeseen by anyone have saved the English rulers of Ireland from the embarrassments which would have been the just penalty of their indifference and want of foresight. . . . To the owners of the rent it may be very convenient that the bulk of the inhabitants, despairing of justice in the country where they and their ancestors have lived and suffered, should seek on another continent that property in land which is denied to them at home. But," he adds, "the legislature ought to view with other eyes the forced expatriation of millions of the people. When the inhabitants of a country quit the country *en masse*, because the government will not make it a place fit for them to live in, the government is judged and condemned."†

* "Plea," p. 216.

† Mill, b. ii. c. x.

CHAPTER XXII.

THE REMEDY.

MY task is nearly over. I undertook to sketch the monster of Irish landlordism, since the time when it assumed a definite form, in something like its actual shape. The picture, it must be admitted, is repulsive enough ; but yet not the less instructive to contemplate. And the instruction which its study may convey is only enhanced by its contrast with the landlordism of almost the whole globe besides ; the exceptions, as we have seen, being pretty perfect parallels to itself in hideousness of aspect and destructive operation. "To tell the truth," says Pliny, "large farms have ruined Italy." And from Rous to Latimer—from Henry IV. to Charles II., the Catholic monk and king, the Protestant prelate and monarch, the Catholic and Protestant legislature alike, with Protestant and Catholic royal commissions, continued to make the same complaint of the same evil in England. We have abundantly seen how loudly it has been bewailed by so many impartial witnesses, English, French, German, Irish, Protestant, and Catholic, in Ireland. The crisis has now arrived ; and every one asks—"What is to be done ?"

Well, in my opinion, if the deep-seated and long-rooted evil is to be remedied at all by legislation (about which I entertain grave doubts), the remedy must be final and complete. It must be applied not merely in view of actual facts, not merely with the view of doing absolute justice as matters just stand between landlord and tenant, but, further, with the history of Irish landlord-

ism open before the statesman's eyes, and with a view of repairing, at least to some extent, the crying wrongs of past generations and ages. If a robber seizes my property, the law is not content with so dealing with him as to prevent his further depredations; it moreover compels him to restore the ill-gotten goods, and thus, as far as possible, place the injured owner in the position he would occupy had not the thief plied his trade. Now this restitution cannot be effected in a direct form or in a pecuniary shape. The beggared children of robbed and plundered sires—robbed and plundered many of themselves, too—cannot, by direct compensation, be placed in the position they certainly would occupy had not their parents been hitherto plundered according to law. How, then, may this reasonable restitution be effected? Simply by so framing the law as to enable the tenant to emerge, in the shortest possible time, from the poverty and degradation in which iniquitous land laws had placed himself and his forefathers. And how may this be effected?

1st. By giving him absolute security, in the shape of PERMANENT TENURE of his land.

2nd. By confining the landlord's rent to the tenement or other official valuation.

3rd. By putting a certain limit to latifundism, as done five hundred years before Christ in Rome, and three hundred years ago in England.

The first without the second is simply an illusion. It is merely a tenure-at-will under a fulsome name. For if the "owner" is left at liberty to "raise his rents" at will, he has the tenant as completely at his mercy as the serf is at this moment. If, on the expiration of a lease, the landlord can say to his tenant, "You must give me £1 or 10s. an acre more for this land; and if the land be really not worth this, the tenant is as effectually evicted as if the *habere* were in the sheriff's hands. He tries to

pay an impossible rent ; the effort makes him bankrupt, and then he has to "quit," owing to non-payment of rent. Or if, by his industry and capital, he had succeeded in vastly improving the land to the value demanded, the landlord has only to pitch once a figure still higher, which no capital or industry could meet, and thus obtain for himself possession of the coveted farm. But it will be said: "The new land measure will contain provisions for 'compensation,' and few landlords will be found ready to pay down sums of money themselves in shape of tenant-right to their tenants on the expiration of the lease."

To which I reply, that were only one landlord in a hundred thus disposed, as long as such a power is left in the hands of the landlord class, there is a radical defect in the bill proposed. Granted, but not admitted, that the cases may be few, still the very fact of their possibility in any case, their probability in several, and their certainty even in a few instances, is a blot that cannot be effaced. No tenant can be secure. No tenant can say with that certainty which is essential to successful industry, "I am now working for, not alone my own children, but for my children's children to the last generation." And unless the Irish tenant is enabled to say and to feel this, without any doubt or misgiving, not alone is he not in anywise "compensated" for past hideous wrong, but inequitably and unequally dealt with apart from that essential consideration. Landlords, too, will still be found to evict, and tenants be driven to retaliate ; coercion bills, of divers names, will continue to be passed in indecent haste ; special commissions will continue to speed ; and the last state of Ireland, only half-exorcised of the spirit of old landlordism, will be worse than the first. The spirit of independence and self-respect will be developed by the advance of enlighten-

ment ; and what the wretched serf, who hitherto hardly knew his rights, so ground had he been under the iron hoof of territorial despotism, had endured with a patience astonishing to strangers, he will no longer brook, but, in the words of the *Dublin Review*, already quoted, “ seek that protection from himself which was denied him elsewhere.”

The landlord, therefore, must be denied the cherished traditional power of raising his rents *ad libitum*.

The following are among the most recent cases, which I take from the *Waterford News* of Nov. 12, 1869:—

A “MODEL FARMER” AND HIS LANDLORD.

The public have often heard of the case of Mr. William Joyce, of Abbey Farm, near this city, and his landlord. They have often heard of all the “allowances” and “abatements” and other good things which Mr. Joyce received in consideration of his improvements. These statements, it now appears, were all delusions, as shown by Mr. Joyce’s own unvarnished tale. We have seen his receipts from the beginning to the present time. We are glad to find that Mr. Joyce is, financially, an independent man ; but if he were otherwise, and obliged to emigrate, or go to the poor-house, the result would be the same. The hard case of this respectable and industrious Englishman must be heard in the British parliament :—

“ *To the Editor of the ‘ Waterford News.’* ”

“ SIR—I am an Englishman, and came over to this country in 1852, when I took the farm I now hold from the late Mr. Congreve, of Mount Congreve, at a rent of £2 per acre, for a term of twenty-one years. At that time it was in a most wretched state, like the greater part

of the lands of this country just after the famine years. The farm had been previously let to four or five small tenants, who took all they could from it, and left it to the landlord. So you may easily imagine what state I found it in, without a dwelling-house or out-offices of any kind, except one or two old places tumbling down.

“ Now, sir, I must tell you what I have done. I built a nice dwelling-house, and as complete a set of offices as any in the country ; I drained all the land, levelled fences, squared the fields, and made it what it is now called, the ‘ model farm,’ and for which I took the prizes given by the Waterford Farming Society for eight years in succession.

“ When I had eight years of my lease to run, I thought proper to apply to my present landlord, Ambrose Congreve, Esq., of Mount Congreve, into whose hands it fell on the death of his father. You will see by the letters which I enclose what I am to expect, and how I am to be treated at the expiration of my lease. After spending my own money, £1,600, in permanent improvements, I am now quietly asked to give £1,200 out of my pocket, and a rise of rent of 30s. per acre, to get a twenty-three years’ lease.

“ You will see by the agent’s letter that upon no other terms am I to hold the farm after my present lease expires. You will have my answer to his letter. If I consented to take a lease for thirty-one years, I would have to pay 30s. per acre extra for the eight years of my lease unexpired, which would amount to £1,200, and the additional 30s. per acre for the remaining twenty-three years. You must recollect that I have already expended £1,600 in permanent improvements in the fourteen years I have had the farm, and I am now called upon to pay for those improvements at the rate of 30s. per acre. I ask you is this justice to an improving tenant ?

"I do not fear my landlord, as I am quite independent of him; therefore you have my authority to use my name in this matter just as you think proper, for the benefit of tenant farmers.

"WILLIAM JOYCE."

CORRESPONDENCE BETWEEN LANDLORD AND TENANT.

"Abbey Farm, Waterford, March 1, 1866.

"RESPECTED SIR,—When you were here the other day, I did not quite understand you with respect to granting me a renewal of my lease for thirty-one years. I think you said you would not do so unless I gave £3 10s. per acre. Am I to understand that rent is to commence from the present Lady Day, 1866, or from and after the expiration of my present lease? Please inform me on that point, and I will give you a decided answer in a day or two. I am, respected sir, your obedient servant,

"WILLIAM JOYCE.

"To Ambrose Congreve, Esq.,
Mount Congreve.

"N.B.—Please take into consideration what the farm was when I first took it, what it is now, and that I have expended nearly £1,600 in permanent improvements, and I never allowed a shilling to be overdue for rent."

"Mount Congreve, March 3, 1866.

"DEAR SIR,—Mr. Congreve desires me to say, in answer to your letter received this day, that he thought he had made himself sufficiently explicit as to the terms on which he was willing to accede to your request of his granting an extension of the present lease, which were these:—That he is willing to cancel your *present lease*, and to grant you a new one from the 25th March, 1866,

at £3 10s. per acre, said rent to commence from said 25th March. Under no other terms will he either give an extension or renewal of the lease.

“I am, dear sir, yours truly,

“JOHN T. MEDLYCOTT.

“To Mr. Wm. Joyce, Abbey Farm.”

“Abbey Farm, March 5, 1866.

“DEAR SIR,—In answer to your letter of the 2nd, I beg to say that I must decline a renewal of my lease under the terms you propose, as I prefer my lease to run out. I am, dear sir, your obedient servant,

“WILLIAM JOYCE.

“To J. T. Medlycott, Esq.,
Mount Congreve.

“P.S.—Should Mr. Congreve wish to get possession of my farm before the expiration of my lease, I will sell him my interest at once, and give him possession at Lady Day next, if we can come to terms. The farm is now in the highest state of cultivation, and everything connected with it in the best working order. Should he buy me out, the money may remain in his hands at 5 per cent. for a few years, if that would be any accommodation.”

Comment on such landlordism is superfluous, though several journals have already commented on it in terms which it well deserves.

The following statement I take from the same authority :—

“Tipperary bears a bloody reputation for its dealings with landlords. More agrarian crimes have been committed within its borders than that of any other county in Ireland; and if such fact can be accounted for in any way, it may be in the truth that there is more provocation, perhaps, than in any other quarter of Ireland.

Tipperary is rich in its land, and highly productive in its agricultural resources ; but, strange as it may appear, it has landlords unequalled in their harsh and exacting proclivities. The Ballycohy tenants and their landlord Scully will not fade from the memory during the present generation ; and now we have before us Mr. John Langley, of Lickfin, one of her majesty's justices of the peace for the same county, whose dealings with his tenants are recorded in the report which we gave last week of his proceedings for ejectments, heard at Clonmel quarter sessions. In the court, Mr. Langley admitted that he had increased the rent 70 per cent., that all was punctually paid, even up to the present November, in one case at least—that the tenants were all good and honest men—but “he wanted the land,” and come what might—hunger, thirst, privation, and exposure even unto death—he should have possession. Mr. Langley added that he is a most “popular man” in the county, beloved by all classes ; and those who may read of the actions of which he is the prime mover, will come to the conclusion that it is easy indeed to win the esteem, affection, and popularity of the people of Tipperary, and must naturally conclude that all those whose bodies have been, from time to time, pierced with bullets or mowed down by other deadly weapons, must have been demons of the fiercest form, if Mr. Langley be considered the angel he paints himself.

“The first action in which he was plaintiff on the present occasion was against a farmer, named William Fitzgerald, whose family, for three generations at least, had held the six and a-half acres from which he was now about to be expelled, for no cause but that Mr. Langley “wanted the land.” On a certain agreement, there had been a lawsuit eight years ago, when a decree was obtained against Fitzgerald, and his rent was then raised

from £10 to £17 a-year, which, with £1 per annum to "Mr. Langley's brother" for his influence in obtaining a renewal of his yearly lease, made an increase of *seventy* per cent. in Fitzgerald's rent. Nevertheless, this rent was punctually paid ; but, though Langley admitted that all was settled up to the present, and that Fitzgerald is an "honest man," he must go by the road-side to perish, or, if he be able, cross the Atlantic, to find a home on land in which all men have an equal claim and equal protection.

"The next case on the list is that of John Nagle, who held sixteen acres. The defendant produced a receipt in court for his rent paid up to May last. He stated his father became tenant on the lands in 1820, and got a lease for his (defendant's) brother's life, which expired in May, 1865 ; the rent up to that time had been only £13 per year, but immediately that the lease expired, an ejectment was served in the superior courts, for which the defendant had to pay £3 15s., the cost of the ejectment, and to submit to an increase of £7 8s. per annum in his rent. He was also compelled to take out a lease for a year certain, *and to give plaintiff's brother £1 5s. each year for having the document renewed and drawn up.* The plaintiff admitted that Nagle had ever paid his rent punctually, but he wanted the land and should have it.

"There was still another case, in which a man named James Boney was the victim. Boney had formerly held land, but being less fortunate than his unfortunate neighbors, had been long since ejected by Mr. Langley. The landlord, in a moment of compassion or compunction, let Boney have possession of a roofless house, with a promise to give him timber and slates to roof it if he did the remaining work himself. The house is now roofed and covered. Mr. Langley was offered by Boney the amount of rent due and the cost of the ejectment—but no ; he

“wanted the house and should have it,” and so he has got it. To Boney he would not give even a yearly tenancy, for then he could not eject him without a six months’ notice, and the law was, unfortunately for Mr. Langley’s brother, so crooked here, that he was deprived of his fee for making out a lease, as he did in the other cases, “for one year certain,” as the process of ejectment would be thereby too slow ; on the contrary, the chairman, who had been reluctantly compelled to put the law in force in the other cases in the landlord’s favor, now decreed that Boney should be allowed three pounds for his labor in roofing the house. But the law has taken its course—Fitzgerald, Nagle, and Boney, and their families, are homeless wanderers on the world, and Langley has had his pound of flesh ; he wanted the farms which three generations had done without, and the one-sided law gave them to him.

“Now, any one who reads those cases and studies them, will see at once that when those lands were taken, three generations ago, it is not likely that the owners of them were more generous than the same class of men are at the present day, and it is as certain as most things in the world that they were then let for their full value. When, however, a new Langley comes to the surface, and by the force of ejectment notices, served with his own hands, with armed policemen illegally in the distance ready to aid him, if necessary, is able to add ten per cent. to the rents, and finds the tenants ready and willing to pay, sooner than sacrifice their only means of livelihood, if it is clear that the labor and the capital of the Nagles and the Fitzgeralds have added to the land that increased value, and that those who are now evicted are being robbed of that amount.

“The cases are striking examples of what that able and accomplished statesman, Lord Clarendon, her majesty’s

Minister for Foreign Affairs, has so appropriately designated 'felonious landlordism;' but to remedy the laws under which such atrocities are committed, Mr. Nap. B. Wyse, a great local luminary, designates as 'revolutionary' and 'socialistic.'"

And these are only sample cases.

As to the third provision, it would be idle to enlarge on the evils of unlimited pasturage and arbitrary rents. Enough has been already said and quoted to show that this ever has been the bane of such countries as permitted them to take root. There, therefore, should be a legal limit to their extent.

4th. As a corrective both to those and the general evil of latifundism, every farmer should be compelled to till two-thirds or three-fourths of his profitable land. That most interesting class of the community, the rural laborers, would thus be sure of employment, and raised from their present depressed and pitiable condition. The country, too, would become proportionately richer, as the produce of an acre of well-tilled land is worth so much more in the shape of wholesome, nutritious food than that of an acre of grass. No doubt this will not suit the ideas of the great lords and rich merchant princes of England. But if the issue is to be between Irish and English interests, then the sooner Ireland looks out for herself the better for her—perhaps for both.

5th. The matter, too, of the waste lands must, clearly, be taken into account. If landlords themselves will not reclaim these wastes, let the wastes be handed over to those who will make them contribute to the general wealth of the country and the happiness of the people. Details on this particular subject need not be very lengthy. Let a commission be issued to pronounce upon every perch of reclaimable land; and let the proprietor be obliged by law to hand that over, on equitable terms,

decided on by such commission, to tenants who may undertake the work of reclamation.

Some check must be put to systematic absenteeism. Let the 10th Charles I. be enforced or revived, imposing a tax of 4s. in the £1 on the six months' absentee ; or, better, let the suggestion of Swift, raising the fine to 5s., be carried into law, and we shall soon have abundance of capital of our own, and hear no more of the offence phrase of "the introduction of English capital into Ireland." Let English legislators and their worthy instruments, Irish landlords, only leave us our own capital, or, at least, a reasonable share of it, and the world shall soon see the result. Trade, commerce, and agriculture will revive, as from 1782 to 1800—provided, as then, the management of Irish capital, development of Irish industries, the making of Irish laws, and the assessing and expenditure of Irish taxes, be left in Ireland's own hands here at home. This question, however, it is none of my purpose to broach. My sentiments on the matter are long matured, my convictions unshaken—that my long-misruled country never can be prosperous, happy, and contented, while she continues the degraded province of a foreign, dominant, unsympathizing, and even hostile nation.

As regards minor details, touching mal-industry, or neglect, or abuse of land, these surely can be no obstacle to final legislation. I have not the slightest objection to a provision that a tenant guilty of deteriorating his farm, in prospect of its abandonment, should such be brought home to him, should pay an adequate penalty—this, too, to be decided, not by landlord or tenant, but by an equitable and permanent tribunal.

However, such cases must, of necessity, be of such rare occurrence, that to legislate substantially on the hypothesis of their occurrence would be a most serious blunder.

Above all, complexity and technicality must be avoided. Let there be a law—if “law” there is to be at all—saying to the Irish tenant: “Pay your valued rent to the man whom I allow to be your landlord, child of ‘confiscation’ though he be. Don’t consolidate, don’t spoil your land, don’t parcel it out infinitesimally, and be as free and as independent as the ruler of the state. Be as sure of your farm or holding, of your house or cottage, as the landlord of his castle and estate, or the supreme ruler of the commonwealth is of his sceptre.”

APPENDIX.

MR. HAVERTY, in his invaluable "History of Ireland," quoting from O'Curry, thus explains the law of Tanistry:—

"There was no invariable rule of succession in the Milesian times. But, according to the general tenor of our ancient accounts, the eldest son succeeded the father, to the exclusion of all collateral claimants, unless it happened that he was disqualified by some personal deformity or blemish, or by natural imbecility or crime; or unless (as happened in after ages), by parental testament or mutual compact, the succession was made alternative in two or more families. The eldest son being thus recognized as the presumptive heir and successor to the dignity, was denominated *Tainaste*, that is, minor or second, while all the other sons, or persons that were eligible in case of his failure, were called *Righdhambna*, that is, king-material, or king-makings. This was the origin of *tanaiste*, a successor, and *tanaisteach*, successorship. The *tanaiste* had a separate maintenance and establishment, as well as distinct privileges and liabilities. He was inferior to the king or chief, but above all the other dignitaries"—p. 49.

And on the subject of gavelkind the learned historian remarks:—

"As tanistry regulated the transmission of titles, offices, and authority, so the custom of gavelkind (or gavail-kinne), another of the ancient institutions of Ireland, but which was also common to the Britons, Anglo-Saxons, Franks, and other primitive people, adjusted the partition and inheritance of landed property. By gavelkind the property was divided equally between all the sons, whether legitimate or otherwise, to the exclusion of the daughters; but, in addition to his own equal share which the eldest son obtained in common with his brothers, he received the dwelling house and other buildings, which would have been retained by the father, or *kenfine*, if the division were made, as it frequently was, in his

own lifetime. The extra share was given to the eldest brother, as head of the family, and in consideration of certain liabilities which he incurred for the security of the family in general. If there were no sons, the property was divided equally among the next male heirs of the deceased, whether uncles, brothers, nephews, or cousins, but 'the female line,' as in the Salic law, was excluded from the inheritance. Sometimes a repartition of the whole land became necessary, owing to the extension of some of the branches, but it does not appear that any such confusion or injustice resulted from the law, as is represented by Sir John Davies, and by other English lawyers who have adopted his account of it.

"The tenure of land in Ireland was essentially a tribe or family right. In contradistinction to the Teutonic or feudal system, which vested the land in a single person, who was lord of the soil, all the members of a tribe or family in Ireland had an equal right to their proportionate share"—*ib.* pp. 49, 50.

MRS. LAVELLE AND THE LATE SIR ROGER PALMER.

TO THE EDITOR OF THE DUBLIN EVENING POST.

Mount Partry, 26th August, 1869.

SIR—May I request the publication of the following correspondence? It puts in a nutshell the power not alone possessed but exercised by an Irish landlord.

On the 12th March, 1864, I addressed a note to the late Mr. Thomas Ormsby, J.P., of Knockmore, County Mayo, agent to the late Sir R. Palmer, one of the most extensive (absentee) proprietors of the county, asking permission, in my mother's name, for her daughter to reside with her some time after a treble bereavement, the death of my father, brother, and sister, within the short space of six months. Mr. Ormsby's letter of the 15th March, 1864, is the reply. You will please observe that in that communication he multiplies the aged widow into one "family," and thus, according to "the rules of the estate," condemns her to live in solitude to the end of her days. My sister, however, came to reside with my mother for some time; and for this, as "the rules of the estate must be carried out," was the old widow flung adrift, her house and out-offices built by my father torn down, the boarding, mantel-pieces, window-frames, and sashes carried off, and her very growing crops handed over to a favorite of the "office," neither kith nor kin to her.

My mother has repeatedly asked me ever since to apply for restitution. Ultimately I consented on the 10th of this month; and the reply is the disingenuous letter of Mr. Norman, distorting

the plain intent of my request, and thus, by evading, refusing my demand for justice.

I ask how can peace or good-will be expected in Ireland while landlords are permitted and empowered by law to commit such unnatural deeds? Is it consistent with the public weal that power so extensive, so arbitrary, and irresponsible, should be vested in any one man? The queen could not touch a hair of my mother's head, while the latter was guiltless of crime. The landlord drives her houseless, homeless, landless, on the world, for obeying a law of nature, and striving to comfort herself in her terrible affliction by the society of her child.

Bear in mind, too, that the rent was paid up to the hour that the *Notice to Quit* expired. Yet were her very growing crops confiscated, being, by a fiction of law, the "property" of the landlord since the moment he obtained his *habere*.

"One such act," says Mr. Sadleir, "suffices to make a human monster; a multitude of them, a political economist."

Strange as it may sound, I am resolved that my mother *must* yet have her own. I remain your faithful servant,

PATRICK LAVELLE.

The following is Mr. Ormsby's reply, now endorsed by Mr. Norman, to my request that my sister should be permitted, under the circumstances of deep family affliction, to live for some time with my mother:—

"Knockmore, Ballyglass, March 15, 1864.

"SIR,—In reply to your letter of the 12th, respecting the holding which I have laid out for your mother, Widow Mary Lavelle, on the townland of Mullagh, I beg to say that I will not allow two families to reside on it. *If her daughter is not married she can live with her till she gets married, BUT NOT AFTERWARDS.* The rules of the estate must be carried out. I am, sir, your obedient servant,

"THOMAS ORMSBY."

So that, even though my sister had actually been living unmarried in the house with my mother, the moment she got married she would have to leave, though my mother had no other "chick nor child" to keep her company.

You will notice the words "laid out for your mother," which are explained by the fact that the land had just been "striped," though the words would adroitly convey the impression that she had only been a new tenant where she had passed fifty years of her life and my father's family generations. I may also add that even in the striping she was curtailed, and a portion of her land given to one who had never held land before. But of this she did not complain, as she did not depend, nor did my father, on the land alone for subsistence. Still it was as dear to them as if they did.

As regards the jumble of pronouns, "she's" and "her's," and "her's" and "she's," Irish land agents can as well afford to evict the rules of grammar from their epistles as tenants from land.

A long correspondence followed this, which I shall publish in due time; but the result was the cruel and heartless eviction perpetrated by Mr. Ormsby and adopted by Mr. Norman.

The following is my application to the latter gentleman:—

"Mount Partry, 10th August, 1869.

"SIR—At the repeated request of my mother, Mrs. (widow) Lavelle, late of Mullagh, I beg to apply to you for her land and house, of which she was (legally, perhaps, but) most unjustly deprived by your predecessor. When I inform you that the cause of her heartless eviction was, not non-payment of rent, which my father, and grandfather, and great, and great-great-grandfather, ever paid with punctuality—but for, on being left a lone widow, bringing, for a time, her daughter into the house to give her comfort—I hope you will not deem the request unreasonable. She only now asks back through, I hope, a conscientious channel, what she was so unjustly deprived of, through what was called 'the rules of the estate.'—I remain your obedient servant,

"PATRICK LAVELLE.

"Luke Norman, Esq."

The "conscientious channel" thus ingeniously replies:—

"Castlebar, 13th August, 1869.

"SIR—I beg to acknowledge the receipt of your letter of the 10th inst., and, in reply, beg to say that I am not prepared to evict a tenant who has given me no cause of complaint. I would wish to add that I have every respect for the late Mr. Ormsby's memory.—Your obedient servant,

"LUKE NORMAN.

"Rev. P. Lavelle."

Here was a clever shuffle to raise a side issue—to put on me the odium of asking for the eviction of a tenant, instead of demanding restitution of my mother's plundered property. And I replied as follows:—

"Mount Partry, 18th August, 1869.

"SIR—I have to repel, with a feeling akin to disgust and indignation, the interpretation you would fain fix on my application of the 10th inst., as one for the eviction of any tenant, with or without 'cause of complaint.' My application was couched in the following terms:—'I beg to apply to you for *her land and house*, of which she was (legally, perhaps, but) most unjustly deprived by your predecessor.' This application for the restitution of what was and is, before the All-Just God, as much her property as the estate is that of Sir Roger Palmer, you, with full deliberation, distort into an infamous request to have the tenant

evicted. Your predecessor puts his hands into my poor, widowed mother's pocket, robs her of what—even for the sake of old associations and memories—she would not give to any man living for £200; and you call a demand for restitution a demand for robbery in most hateful, though legal shape.

“This attempt to distort the plain meaning of a plain and reasonable request, and thus to change a very plain issue, will not succeed; and as you adopt the act of your predecessor, whose conduct in the business commands your ‘every respect,’ I must only (failing him) hold you responsible.—I am your obedient servant,

“PATRICK LAVELLE.

“P.S.—I may add that the little bit of discourtesy in your refusing me the prefix which universal usage has accorded to clergymen (even unordained) of all creeds, is an affair solely for your own consideration. “P. L.”

The little bit of discourtesy was the slightest part of the entire affair, but Mr. Norman thought fit to reply to my allusion to it as follows :—

“Castlebar, 21st August, 1869.

“DEAR SIR—I regret much the unintentional error in my note of the 13th, which you look upon as discourtesy. I would not willingly be discourteous to anyone, and therefore now apologize for it.

“I fail to see in my former letter any distortion of plain facts.—Your obedient servant,

“LUKE NORMAN.

“Rev. P. Lavelle.”

To which I readily replied :—

“Mount Partry, 25th Aug. 1869.

“SIR—I freely accept your apology for the discourtesy I incidentally complained of, and which, in your words, I am ready to admit was quite unintentional on your part.

“I beg to remind you that there is, or was, no question at all about the ‘distortion of facts.’ The ‘FACTS’ are still plain and patent. The barbarous eviction of a lone widow, for, in compliance with the very instincts of our common nature, seeking the society of her daughter in her hour of anguish—the appropriation not alone of her house and offices (all built by my father), but even also of her growing crops, though not a single farthing of rent was due—these are the broad facts, which no disingenuousness can distort. But again you have attempted to distort the plain meaning of my *words*, and to confound an application for the restitution of plundered property—legally plundered, if you will, but so much the worse for the state of the law and society—with a request to commit similar plunder anew.

“I now, sir, again repeat my demand, founded as it is on right and equity, that you restore to my mother the land, all of which was reclaimed from the morass by my father and ancestors, her house and offices (built by my father himself), the value of her

ladica, or that he would ratify such trickery as she has received at the hands of his agent.—I remain your obedient servant,

“PATRICK LAVELLE.”

“Colonel Palmer.”

“To oppress the poor in judgment, and to do violence to the cause of the humble of my people, that widows might be their prey and that they might rob the fatherless” (Isa. x., 1-2). “Some have removed land-marks, and have driven away the widow’s ox for pledge” (Job, xxi., 4). But here it is worse; for while there was no debt at all for which a pledge might be seized, the widow’s house, land, crops, and all, were confiscated to the rude hand of power. And, therefore, I once more ask how long is this to last? How long is the murderous *regime* of “tenancy at will” to prevail? How long are the Irish millions to be left to the caprices of the class Ormsby and Co.? How long are landlords to be permitted to further rob, and spoil, and devastate, and heart-break?—“to remember not mercy,” but to “persecute the poor man, and the beggar, and the broken of heart, to put him to death?” (Ps. cviii.)—I remain faithfully yours,

PATRICK LAVELLE.

SUBJOINED is the *Irish Times* report of the famous case so often referred to in the foregoing pages. It pretty clearly shows what Irish landlordism not alone may be, but actually is.

I would beg to draw particular attention to the words of Proudfoot (p. 418): “I pledge my oath what land Mr. M’Cullagh has there is not worth £3,” as contrasted both with his previous declaration, that “there was more grass there while his (M’Cullagh’s) cattle were in it, than the tenants or others could use”—the number of M’Cullagh’s cattle being at times from thirty to forty, not to mention sheep—as also with a similar statement of Mr. Butt’s. Surely grass enough for twenty or thirty or forty kyloes is worth over £5.

I would also suggest special attention to the evidence for the defence, which completely justifies the statements contained in my letters.

The charge of the able, honest and impartial judge is a masterpiece, both as to the evidence produced, and the appreciation of the whole report to the farmers of Ireland, before the imperial legislature.

COURT OF QUEEN'S BENCH.

Before the Lord Chief Justice and a City Special Jury.

ACTION FOR ALLEGED LIBEL—IMPORTANT CASE.

Andrew M'Cullagh v. Major Knox.

This was an action brought by Mr. Andrew M'Cullagh, of this city, against Major Knox, as proprietor of the *Irish Times*, for the publication of alleged libellous letters in the *Irish Times*. Damages were laid at £1,000. The defences were that the letters were not published in the defamatory sense alleged, and were a fair comment upon a matter of public interest and notoriety.

The following jury were sworn to try the case—

Thomas Snow (foreman) Caleb Palmer, Joseph Hill, George Thorpe, Hugh Tarpey, Patrick Nolan, Thomas Raynor, Thomas Orr, George Bullock, Wm. White, Alexander W. Bayley, James Kenny.

Serjeant Dowse, M.P., Mr. Butt, Q.C., Mr. Forbes Johnston, Q.C., and Mr. Duffin, instructed by Mr. Henry Oldham, appeared for the plaintiff.

Mr. Heron, Q.C., Mr. Falkiner, Q.C., and Mr. Kaye, LL.D., instructed by Messrs. Bloomfield and Leahy, were for the defendant.

Mr. Duffin opened the pleadings.

Serjeant Dowse, in stating the case for the plaintiff, said that he would give a brief outline of the cause of action, in order that the jury might understand the case, and apply their mind to a thorough knowledge of all the facts before they arrived at any conclusion. The plaintiff, Mr. Andrew M'Cullagh, was a wine merchant in the city of Dublin, and a member of the Chamber of Commerce. The defendant was Major Knox, the proprietor of the well-known and influential newspaper, the *Irish Times*. He had not the slightest wish to say one word in the case derogatory to Major Knox. He was a gentleman of honor and character, and he (counsel) had frequently seen Major Knox plead in these courts, both as plaintiff and defendant, and never knew anything to transpire to affect his well-known honor. The action was instituted for the publication of several letters which the plaintiff said

was a libel. The letters did not profess to be written by the editor of the *Irish Times*, but had the name attached to them of a well known clergyman of the Catholic Church, the Rev. Patrick Lavelle, of Partry. Mr. M'Cullagh felt it was due to his character to bring this case into court, and ask the jury to pass their opinion whether the charges made against him were true or not. In the year 1865 Mr. M'Cullagh, and others associated with him, formed a company for the purpose of advancing money on loan, to aid in the building of respectable houses by the industrious classes, and the purchase of land, to be improved by labor, and then let or sold to tenants. The first ordinary general meeting of the shareholders, about 200 in number, was held on the 7th of July, 1866, and the beneficial operations of that company appeared fully in the report of that time. Mr. M'Cullagh was chairman of that company. He had associated with him, in the management of the affairs, Mr. A. H. Bagot, who may have been well known to many of them—a man of honor and great credit in the mercantile community—with Messrs. Wight and Perry, and other gentlemen equally well known. Among other portions of land the company purchased the Port Royal estate in Ballinrobe. That property consisted of something over 5,000 acres of land, and it was near to and crossed the top of Lough Mask, extending down some distance east and west. On the west the estate went along till it met an estate of the Bishop of Tnam. The estate had been the property of a person named Gildea, who became embarrassed in circumstances, and the property was sold in the Landed Estates Court, and purchased by the company. The company procured the services of a very competent engineer, Mr. Henry Brett, who was county surveyor for the county of Wicklow, and was also acquainted with the land in question; and another gentleman named Carson. The directors gave the necessary instructions for the improvement of the estate by draining the land, making fences, and other improvements, as stated in the report of Mr. Brett. The next thing of importance to state was, that among the alterations and improvements of the estate it became necessary to re-allocate the lands, divide them into stripes, and parcel out portions, so as to distribute the tenants along the property in such a way as that each man would have for his own use a distinct and separate portion of the estate, and prevent its being enjoyed in the patriarchal mode known as the Rundale system. The company was anxious to have this system carried out. That was the only cause of disagreement connected with the estate, and that arose in but very few and isolated instances. When the company got possession of the estate, the tenants were holding it in joint occupancy. The mountain lands were quite unfenced. The cattle of the adjoining proprietors grazed on the property unrestricted, some coming even for a distance of twenty miles. Mr. Brett, acting for the company, told the tenants that he would recommend the land to be striped. They all assented, it being manifestly for their advantage, and, if

his instructions were carried out, harmony and peace would continue there ; but it was interrupted at the time he was about mentioning, owing to facts over which Mr. M'Cullagh had no control. In dividing the lands it was not intended that the fencing of any tenant should go back to the mountain top, because the mountain was to be reserved to the company for a purpose not then contemplated ; but no tenant had been deprived of his grazing over the mountain. Relying on the consent of the tenants, it was unnecessary to serve them with any legal forms of notice to surrender their holdings. He inferred they were all acquainted with the notices to quit to which he alluded. He was not in favor of these notices, neither was Mr. M'Cullagh. There was nothing savoring of harshness that Mr. M'Cullagh would not condemn just as much as Major Knox or Father Lavelle. His case was that there was no hardship of any kind. However, when the stripes were marked out and the land divided, owing to circumstances which Mr. M'Cullagh had nothing to do with, some of the tenants declined to make the change, and the result was, that that which at first was likely to be done in peace and harmony turned out to be a matter which there would be some difficulty in settling. Accordingly, it was found necessary to enforce the arrangement on some very few tenants, and that accounted for the service of the notices to quit, which he would mention. He stated, and stated without fear of contradiction, that no intention ever existed to dispossess any of the tenants, and no tenants had been dispossessed since the company came into possession, nor had a single tenant emigrated from the oppression of this land company, or the chairman, Mr. M'Cullagh ; or the engineer, Mr. Brett ; or the other skilled gentleman, Mr. Carson ; or the manager, Mr. Proudfoot. They were all told every day that emigration was the only remedy for the misfortunes of this country. He did not know whether that might be true or not, but he supposed it was ; for, if the emigration were carried on to the extent these people wished, there would be no one at all in the country to grumble, and then everything would be nice and quiet. (A laugh.) Whether it was or was not, he had a right to say that before the Thunderer in Abbey-street came, there ought to have been an inquiry made to see were the statements correct in the letters complained of, and something more should have been put on the files of the court than that they were a fair comment. It was necessary that giants should have mercy ; and if Major Knox was a giant, he ought to take care that his club fell lightly upon the people in the neighborhood where he was wielding it in one of his fits of inspiration. (A laugh.) It was found necessary to visit those who resisted the arrangements of the company with the costs of their obstinacy, but the company afterwards offered to remit the costs and forgive the tenants half a year's rent for any temporary inconvenience they would be put to by the change in their holdings, if they agreed to it. Some of these holdings were insufficient for their support, and the object of the company, to

allow them to have such holdings, was to place them in a better position than they were in before. The company drained the property, built new houses on it, and converted that which was swampy land into good land. They offered leases to the tenants who were willing to take them. In the district of Doranna, the mountain there was used as a common for the surrounding country, and everyone who wished drove their cattle on it. Mr. Brett considered that if a certain portion of that mountain were fenced in, sufficient would still be left for the use of the people. The libel was written with a ready pen, and by a gentleman who had good courage, and who he (counsel) would not say had not done good service, but who sometimes allowed his zeal to get the better of his good judgment. In anything Father Lavelle said, he (counsel) was sure he believed it to be true, or he would not have said it. Amongst other things, there was something about taxes in the case, and he was instructed to tell the jury that the company paid the taxes of the estate. He was reaching another stage of the case—when Mr. M'Cullagh became connected with it. On the 1st of May, 1867, Mr. M'Cullagh became tenant of some of the unoccupied mountain, at the rate of £20 a year, and for that he was made the subject of as vigorous an assault in the columns of the *Irish Times* as ever was made on the chairman of any public company. He put some stock on it, and Mr. M'Cullagh would be put on the table as a witness, and would expose the justice of the transaction, and the result would be, he would leave the court without reproach, as he entered it without fear. He put stock on the land, and, pending the erection of fences, he employed a caretaker to mind the stock and keep off trespassers. These fences were not yet made, and the tenants still had the run of the mountain without hindrance or let. There was sufficient grass for them all—he (counsel) only wished that everything else in the same part of the country was as abundant. Mr. M'Cullagh was anxious to improve the breed of cattle in this country. That was one crime laid to his charge, and he (counsel) agreed with Mr. M'Cullagh, and Mr. M'Cullagh agreed with him—that he did not want to see cattle substituted for human beings, and he did not want to have anything to do with the mothers of stocks and herds as a substitute for the mothers of human beings. (A laugh.) And Mr. M'Cullagh did not want to have anything to do with them. He procured some of the best breed of cattle in Scotland, and he did no harm to any human being. That was another of Mr. M'Cullagh's sins, and it was certainly an aggravating thing to him for this grievous offence to hear the way his character was sold for one penny piece, throughout the whole length and breadth of the country, by means of the great circulation of the *Irish Times*—(a laugh)—and right good value it is for a penny, if it were only to count up the advertisements. (Renewed laughter.) It was right good value, and the more it was circulated through the land, the more Mr. M'Cullagh was libelled. (Laughter.) But the worst part of the case was that Mr. M'Cullagh had his

offices in Abbey-street, opposite to Major Knox's establishment, and saw his character bought for a penny by thousands. (Great laughter.) The Port Royal demesne contained about 450 acres, of which 100 was valuable grass land. This part the company found in possession of a man named Lyder. He had no means to stock so large a holding, and would ruin the land by meadowing it, so he was obliged to give it up; but he is now a tenant on another farm. That place was offered to a great many people, but no one would take it, and ultimately it was let to Mr. Proudfoot, the manager of the property, but that did no harm to anyone. The clergyman of the neighboring parish of Partry was not injured by that, nor the tenants were not injured by it. Mr. M'Cullagh had nothing to do with it further than through his connection with the company. Such was the state of the case up to the 31st of December, 1868, when the libels were written and published.

The first letter was as follows:—

"To the Editor of the Irish Times.

"Mount Partry, 31st December, 1868.

"SIR,—I ask you, for the sake of the poor tenants, whose case I am trying to plead before the bar of public opinion, to aid my advocacy by at least the publication of the accompanying letter.—I remain your obedient servant,

"PATRICK LAVELLE.

"To the Shareholders of the National Land and Building Investment Company.

"Mount Partry, St. Stephen's Day, 1868.

"GENTLEMEN,—An incident, trifling in itself, and by no means unfamiliar to the eyes of the poor Irish peasant, impels me to forestall the time I had marked out for calling your most serious attention to the arrangement of your Port Royal estate. The incident is merely a case of 'distress' by your manager here, Mr. Proudfoot, and his bailiff, which, I suppose, by way of wishing him a 'merry Christmas,' they thought fit to levy on a poor man named Philip Henegan, of the townland of Derassa. The poor man had an in-calf cow, which he purposed selling at the approaching fair of Westport on New Year's Day. Hardly waiting to digest their Christmas dinner, these servants of yours made this morning for the poor man's house, and distrained his cow, worth £7 or £8, for £3 7s. 6d. How the poor animal has fared since, or whether she is to pass this very threatening night in her lodgings on the cold ground in the 'pound' of the Port Royal estate, I am unprepared to say; likely before I close this communication I shall have ascertained. The fact is, that at this moment, while the angelic proclamation of 'peace on earth to men of good will'

still rings in our ears, the poor man's cow is a prisoner by landlord law for the year's rent due on the 1st of last November. He offered to pay 'a half year's rent, to quit the place altogether, and leave his soil, his house and barn, both built by himself, for the other £1 17s. 9d.' yet he would not be listened to. The cow was the pound of flesh, and that Mr. Proudfoot must obtain, no matter what the consequences to wretched Philip Henegan. And now, to pass from particulars to the general system.

"Allow me to assure you that, in my opinion, there has not been such oppression practised, or attempted to be practised, in any other property in Ireland for the last two years—model Scully's perhaps excepted—as has been carried on in this unfortunate estate. First, the tenants of this very village were, without ceremony, and in open violation of the law of the land, deprived of the mountain outlet which they always had for their little stock of sheep and cattle—the chief means with which they mainly paid their rent and several other land charges, and also clothed themselves and their children. The village is in a cold, wild, mountainous district, where the people could never support themselves, much less pay rent, on the produce of the land; yet the outlet in question, ever hitherto, in with the land, and for which, as being included in their land, they were, and still are, paying rents, rates, and taxes, was seized on by your manager and chairman, and stocked with Welsh bullocks by themselves. Bear in mind, this was done without even the ceremony of demanding possession—the company's, or chairman's, or agent's cattle were simply driven on, the people's little stock expelled to grassless bogs, and if found trespassing (!!) in their usual and legal haunts, driven to pound!! And this is how your company's programme of converting tenants-at-will to owners-in-fee is meant to be carried out! Second,—the spring and summer of 1867 were very trying to your (among other) tenants of this mountain district—so trying that I had to procure meal for every single soul of them, on credit, in Castlebar, besides otherwise helping them in their need. Thus the May rent happened, in some cases, not to be paid until November, and thus on the 1st of November a year's rent fell due. I pray you, gentlemen, pay heed to what followed. On the 2nd November your agent processed the tenants for the rent that fell due on the 1st, thus putting a coat of from 11s. to 15s. on the creatures who had only just emerged from a state of starvation. But, worse again, these civil bills, thus costing the poor people so dear, could not be heard for full three months afterwards, or until the month of February following, when the next quarter sessions would be held! And thus your manager and chairman mean to convert tenants-at-will into fee-simple owners! Third,—at the same time others of your tenants were obliged to pay their bills at three months for the half year's rent then due, paying from 5 to 10 per cent. interest. Thus, for 10s. 6d. one man had to pay 6l. Another somewhat model process of elevating tenants-at-will to

holders-in-fee. You must bear in mind that the rents thus exacted the day they fell due, or a few days after, were paid in no other estate in the county until the period when these bills were matured. I care not whether these bills were discounted or not at any bank or other commercial firm. If they were, they were done for fully half what the people were charged, for money was a drug at the time ; if they were not, then the company has pocketed the poor people's money, in shape of discount, by way, of course, of enabling them eventually to become owners-in-fee. Fourth,—a system of 'striping' was introduced, which, for the life of me, I could not understand at first, as the whole estate was striped a few years ago by the late agent, Mr. Stanhope Kenny, of Ballinrobe. Possession was soon demanded of the bewildered tenants, which some, in utter despair, refused. Then came a volley of notices to quit, last May, with the consequent demand for possession last November, which, in most cases, was obeyed. And now comes out the secret. The rents are raised to a figure varying from 10 to 40 and 50 per cent. ! and the unhappy creatures made to sign their consent to meet this fearful rise before they are reinstated in possession. Thus the people are in a state of mind bordering on distraction. Many have already made up their minds to emigrate rather than remain to be utterly impoverished. It is on this account that poor Henegan, whose cow is a prisoner at the bar of Mr. Proudfoot and Mr. Chairman M'Cullagh, is resolved to quit his country. He was driven into a 'stripe' which, he says, would hardly feed a snipe, for which he would have to pay some £4 or so a-year, and while he has means to take him off he says he will join the landlord-made exodus from Ireland. No doubt the object of this rise in the rent is to enhance the market price of the estate, of which your chairman stated at the 'third annual general meeting of the shareholders,' held this year, that 'it was under the serious consideration of the directors to dispose. . . . But if the estate were *now* sold, when the works were unfinished [a few walls by the road-side, three or four stys of houses, and drains through bogs—all perfectly valueless to the poor tenant], it would not fetch the price which they might reasonably expect.' Not at all. The new rental will enhance the market price of the estate ; but I say from my heart, 'God help the purchaser.' He will buy an estate, the rent of which he need never expect to receive, because no human industry could squeeze it out of the land. As I am to address you again more in detail, as regards the increased rents, I shall now conclude, with the expression of my belief that the cattle are the private property of your chairman, who is thus feeding on the grass for which your tenants are paying him rent. And my reason for this belief is that the sheep in the Port Royal 'demesne,' out of which the tenant in occupation when the property was purchased was evicted, are marked with his brand. At all events, they are eating the grass for which the tenants are paying. I

beg of you, gentlemen, as Christian men, to interpose between your tenants and those who would utterly ruin them. The consciousness of having done so will be more gain to you than any increased dividend, wrung from the vitæ of the people. Your company styles itself 'National.' Let its national character be other than the fame of Irish landlordism, which the *Times* some years ago declared to stink in the nostrils of the empire. At least, let not your company out-Herod Herod. Call your directors to account, and merit the thanks and blessings of your despairing serfs. I shall furnish further details in my next. Meantime, I remain your faithful servant,

"PATRICK LAVELLE"

On the 21st of January another letter appeared, and was headed "How to evict without notice to quit." It certainly would be a novel discovery to be able to bring that about, and the discoverer by some persons would be considered a benefactor of his species. (A laugh.) The letter proceeded: "It was only on yesterday I received the *Irish Times* of the 14th [He was without the *Irish Times* for four days, and unless Mr. Lavelle had his theology to fall back upon, he would have been as bad as Robinson Crusoe (a laugh).] through no fault of your agent at Ballinrobe, containing an article exculpatory of the directors of the National Land Investment Company. In the meantime I repeat every single statement contained in my letters as to the management of the estate. Tenants have been, without even form of law, deprived of their mountain outlet; their rents have been raised in several townlands to a figure varying from 30 to 35, 50, and 60 per cent., in round numbers, over Griffith's valuation, while their pasture has been taken away to feed Mr. M'Cullagh's stock." Sergeant Dowse went on to say that the legal advisers of the defendant had put in a plea that what had been written was a fair comment on the conduct of Mr. M'Cullagh. Major Knox himself was too honorable a gentleman to do anything or publish anything that he did not believe to be true, and he was certain that before that gentleman heard the whole of the case, he would see that a wrong had been done a respectable gentleman. The author of the letter afterwards became a little theological, and he illustrated his case by a very favorite illustration, when a man wanted to show that a grievous wrong had been done. The story was from Sacred Writ, and he said, "This reminds one powerfully of the parable of Nathan. The great rich man"—(that was Mr. M'Cullagh, a sort of Connemara nabob)—(laughter)—"is visited by a stranger." That is not Father Lavelle. "He had flocks and herds to any extent." Those were the twenty kyloes. (Laughter.) "His poor neighbor has but the little pet lamb;" that was the small mountain pasture. "Instead of picking a sheep or an ox out of his own extensive flocks, he sets his eye on the poor man's lamb, and kills it for the stranger's feast. Is there no analogy in the two cases? It often struck me, reflecting on that beautiful lesson, that

the rich man must have been a landlord of about the worst Irish type—at least that he must have had a power over the poor man as irresponsible as that which the Irish landlord wields over his wretched serfs, and which is so forcibly illustrated in Mr. M'Cullagh's dealings with his unfortunate tenants. The 'little lamb' seems to have been seized in broad daylight, just like the Derassa pasturage." It was nothing to him (Serjeant Dowse), or to the jury, whether what the Rev. Patrick Lavelle said about the Irish landlords was true or false. They might have their own opinions upon that matter, as they had upon most other matters in the country. Some of the jury might have the idea that the powers of the landlord should be restricted within such limits as humanity and law together were able to restrict them, and there might be others on the jury who would agree with the opinion of Sir Roger De Coverley, who was a landlord himself in his day and generation. (Laughter.) From the Rev. Patrick Lavelle's standpoint, the worst Irish type of a landlord was not a respectable member of society, and he was an oppressor, a wrong-doer, a man who disregarded the laws of man, and who cared not for the laws of God. He (Serjeant Dowse) had an opinion upon the subject himself which he should express at the proper time. Mr. M'Cullagh had been pointed out as a landlord of the worst Irish type, and that was said to be a fair comment in the defence of Major Knox, who ought to be able to give an opinion of what a landlord and a gentleman should be—he being a landlord and a gentleman himself. He was not quite sure whether he was the former or not, but he certainly was the latter. The letter went on, "I pray Mr. M'Cullagh to reflect on the parable." This was written for Mr. M'Cullagh's spiritual good, and Major Knox was made the medium of preaching a sermon to Mr. M'Cullagh, for which Mr. M'Cullagh only paid one penny, and certainly that was a moderate sum to an ecclesiastical superior, and was a cheap illustration of the voluntary system. (Laughter.) "Reflect on the parable." He (Serjeant Dowse) thought that if even Mr. M'Cullagh was to be converted, Father Lavelle was not the man who would do it. "Reflect on the parable, and on David's answer to the question of the prophet: 'Amen; the man who hath done these things is a child of death.'" This was a very serious matter—and no person could point out the serious nature of it better than the defendant at the proper time and on the proper occasion—to tell the excitable tenantry (because all Irishmen were said to be excitable, as if no Englishman did anything rash)—to tell the excitable tenantry down in that district that they had fled and were to fly before the eye of the oppressor—to tell them that Mr. M'Cullagh had plundered them of their property, and dealt out injustice without even form of law—that he had annihilated every vestige of humanity in his bosom, because he must have done so before being guilty of the conduct attributed to him; and then ask him to visit the estate, saying, "You are the rich man described by the prophet,

who took the pet lamb, sparing your own flocks and herds." What was the judgment upon that? That Mr. M'Cullagh was a child of death, and that that was a fair comment. The statement he was a child of death meant one of two things, either that Mr. M'Cullagh was a man who dealt out death himself by his cruel and remorseless conduct, or a man who for his cruel, remorseless conduct ought to have death dealt out to himself. It was averred for the defendant that the observations were a fair comment upon the conduct of Mr. M'Cullagh. Now with respect to a fair comment, he (Serjeant Dowse) was not a man who had the slightest inclination or wish to limit the right of free discussion. They lived in a free country, and free discussion was their birthright. He believed that the press had done more to secure the liberties they had acquired than any other of the institutions that were at present existing in the land, and he was not desirous in the slightest degree to limit the freedom of the press. He agreed with the great author of the paper upon the liberty of unlicensed printing, that to know, to speak, to write freely according to conscience, was a liberty to be prized above all other liberties, and he was not wishing in the slightest degree to limit that liberty, or discourage any person in honest and free discussion. There was a limit to everything. If a man put himself forward in a prominent public position, he would expect to receive a little more attention than people content to walk in the dull, listless way in which the majority of mankind are contented to live and dwell; and consequently the public man was made the butt for praise, and more frequently for censure; but there was nothing wrong in that, if the praise or censure were conferred upon him from just motives. Mr. M'Cullagh was not in the position of a public man. He was not a prime minister. If he were, he might have the entire vials of a nation's wrath cast upon his head. He was a merchant, who had a respectable name and position, and was of a respectable family, esteemed by his friends, and respected by his fellow-citizens, and was it to be said that because he put himself forward as the chairman of a company like this, he was to be made the vile butt for every scornful finger to be pointed at? His public acts, if they deserved stigma and censure, should be stigmatized and censured. Counsel then quoted the judgment of the Lord Chief Justice of England, one of the most distinguished lawyers of these kingdoms, with reference to the freedom of the press, and he had pushed the boundaries of free discussion as far as any judge could possibly do, but he had been obliged to keep it within reasonable limits, because if they did not, they would exceed as much the cause of justice and fair play as if they confined it within the most stringent limits. The Lord Chief Justice, in one passage, said that in commenting on every matter, a public writer, as much as a private writer, was bound to attend to the truth. Well, he thought that that was not too much to ask. The editorial "we" was one of the institutions of the state. Some anonymous individual might come forward in a public newspaper with that great "we," and tend to shake

dynasties ; but if anyone saw the man he might be inclined to think that the "we" should be spelled with two "ees." (Laughter.) With respect to the law, as he had quoted it, he thought there could be no difference of opinion ; but there was this to be borne in mind and never to be neglected, that the plea in this case was that these alleged libels were a fair comment upon the conduct of Mr. M'Cullagh. They had not undertaken to prove that the statements were true. They might have justified them *in extenso*, but, indeed, they had practically done the same thing. It was stated in the defence, that "the management of the estate was a matter of great notoriety." Well, he was sure that anything Father Lavelle was engaged in, or anything that Father Lavelle and Major Knox were engaged in together, would be a matter of great notoriety. It would be like the conjunction of a couple of planets for a great event in the firmament ; but he hoped there would be no obscuration when the case was over, and that they would both shine as brilliantly when it was over as they did at the present time. (Laughter.) Counsel, in conclusion, said he hoped he had not said anything injuriously reflecting on the character of Major Knox or of Father Lavelle, or said anything except in so far as he was justified in doing by the documents that had been published. He had merely stated the case according to his instructions, and he hoped he would be able to prove that they were correct and proper ; and he was satisfied that the jury, as fair men, would say that whatever the conduct of an Irish landlord or oppressor might be—whatever the conduct of the rich man who stole the pet lamb of the poor man might be, and however it was to be condemned by just men—he hoped that they would come to the conclusion that Mr. M'Cullagh was not the oppressor, nor the rich man who took the pet lamb for the purpose of feeding the stranger ; and if they did so, they would say that the defendant in this case exceeded the power that the law conferred upon him, by giving publication in his widely circulated, respected, esteemed, and honorable newspaper, to a slander on the character of a gentleman hitherto irreproachable in his public and private conduct. It would be for the jury to decide this issue as just and fair men, and he reposed confidence in their wise and honest counsel.

Mr. Andrew M'Cullagh, the plaintiff, examined by Mr. F. Johnston : I am chairman of the Land Investment Society, which was formed in '65, for lending money for building purposes and for acquiring land ; this is a report of our first proceeding, on 27th July, '66 ; Mr. Brett was our engineer ; I remember the Port Royal estate was purchased some time in '66 ; I have been down there frequently, and made myself acquainted with the condition of it ; it was let in lots to the tenants ; the engineer recommended the company to "stripe" it ; Mr. Proudfoot was appointed agent, and went to live there ; I took a portion of the mountain pasture myself ; I was to have the upper part of it, and paid £30 a year for it ; I stocked it myself, and put some kyloes on it ; that is the minute of the board letting the land to me—the mountain portion

(Reads minute of 24th July, '67) ; I am advised that £30 is more than the value of it.

Did you curtail in any way or injure the tenants in the right of common?—Never, nor did I hear of anyone doing so ; I believe the herd never did ; it was the habit, I heard, of the tenants to graze their cattle on this mountain ; I remember the Rev. P. Lavelle sending complaints to the board ; I don't recollect what they were, but they were investigated.

Did they prove groundless ?

Mr. Heron : I object to that. He must state what they were.

The Chief Justice said the objection was well founded.

Examination resumed : I am not aware of the value of the land ; I don't know the Widow Gibbons nor Henehan of my knowledge ; I heard of them ; I know the Port Royal demesne ; I was never in possession of it ; money was spent on it by the company, but not by me ; the people are not persecuted ; I never gave directions to persecute them, nor did anyone I know of ; the company spent over £2,000 on improving the estate, in making drains, fencing, and building houses for the tenants ; one side of the mountain is now fenced off to improve the pasture ; the company offered leases to the tenants, the same tenure we had ourselves ; we never individually offered leases, but it was understood they would be given if applied for. There was a circular to that effect.

Mr. Heron asked to have that circular produced. (Circular produced.)

The Chief Justice considered this was not evidence.

Serjeant Dowse said they would not press it. (The circular was handed in and marked.)

Examination continued : I never myself told any individual tenant they would get leases ; I, with other members of the board, occasionally gave directions as to the management of the estate ; I read the letter in the *Irish Times* published on the 4th of January, the day it was published ; there was nothing done in connection with the estate to justify that.

So the land was so poor the tenants could not support themselves ? They paid rent and grazed their cattle on the common ; I grazed that common also ; there was grass enough for my own cattle and the cattle of the tenants ; the tenants, I believe, do not pay county cess for that mountain.

Have the tenants as yet paid an increased rent ? Did they consent to the "striping" ? I heard they did. There is a new rental in process of being formed.

Mr. Heron.—Sufficient for the day is the evil thereof.

Witness.—After the first letter was published I had an interview with Major Knox ; he was sorry it did appear, and explained that a junior hand had charge of that department, and owing to that circumstance the letter inadvertently got into print ; I asked him to publish an article repudiating the letter ; he stated he would publish any refutation of the article, and call attention to it in an editorial paragraph.

Cross-examined by Mr. D. C. Heron, Q.C.—An officer of the company wrote a letter of refutation to Mr. Proudfoot; it was published the 14th of January; I read the leading article in the *Irish Times* on the same subject, published the 14th. (Mr. Heron read the article referred to.)

Was it part of the plan of the company to give the tenants fixity of tenure? Yes.

Was the company started for profit or philanthropy? Chiefly for profit; one million was the nominal capital; the secretary wrote the prospectus.

Was one of the objects of the company to secure exemption of rent? Yes, for houses; we bought the estate for the purpose of profit; we appointed Proudfoot on the purchase at a salary of £60 a year, and a commission on the rents; the rental was £900 a year and £1,000; we paid £10,500 for it; I don't know what was Griffith's valuation; Proudfoot very much had the management himself.

Who gave directions to issue processes of ejectments? I am not able to answer that question.

There is a notice to quit of the 2nd November for rent due on the 1st. Who issued that?

Chief Justice: There must be some mistake.

Mr. Heron: There is not, my lord. I have a sheaf of them.

Serjeant Dowse: You have no right to say that.

Mr. Heron: Who had your authority to prove that ejectment? I never saw this before; I presume it was Proudfoot.

On your oath, don't you know it was never demanded? I do not know it.

Mr. Heron, Q.C.—I produce another civil bill ejectment with your name signed to it, dated 2nd November, '67, against Matthias Conway, amount £6 14s. 6d.; I produce a third of the same date, James Henahan and John Walsh defendants, amount £7 1s., being one year's rent. Did you hear Judge Fitzgerald characterize that as grievous oppression? (Objected to.)

Is it good management of an estate to issue ejectments on the 2nd for rent due on the 1st? I don't know it.

Don't you know it was done constantly? I do not.

Was there not great distress in that year '67? There was.

No grass and the cattle dying? I do not know that.

Don't you know in '67 there were subscriptions from all parts of the world to relieve those poor people? I do not; I sent down several tons of meal myself to them.

Because you considered it necessary? Yes; I do not believe there was any unusual distress similar to what often happens in Ireland.

Were not the cattle dying then for want of grass? I don't know; I put my cattle on the mountain in the August of '67; I directed that to be done; I did not inform the tenants of my intention to do so; at that time the tenants had a right of grazing on the mountain outlet; the mountain was occupied by the tenants, and they

had not given up their right to it ; I know a right of common on a mountain like this is indispensable to the existence of a mountain farmer ; they could not keep cattle without it ; the mountain was to be divided, and it was agreed the lower part was to be exclusively for the use of the tenants, and I took the upper part ; the fence was never made.

A Juror (Alderman Tarpey) : Was it advertised to be let ? It was not, but it was known in the county.

When you took possession you drove in without the fence being made ? Yes.

Were the cattle you drove in foreign cattle ? No.

Serjeant Dowse : You don't call a Scotchman a foreigner. (Laughter.)

Examination resumed : I read the whole of the first letter of Mr. Lavelle's ; I made inquiry about the case of Thomas Henehan and Philip Henehan mentioned there. (Produces notices of distress served on those men for £3 7s. 6d. for the year's rent due on the 1st November, and distrained for the day after Christmas day.) Proudfoot had the authority of the board and my authority for that.

A Juror : I would like to see the authority.

The Chief Justice : He is responsible as chairman of the company for all the acts done by the agent. M'Cullagh's name is signed to it, and he is just as much responsible for it as if he did it himself.

Mr. Heron, Q.C.—Did you know that this Proudfoot was issuing processes and distraining the tenants ? I did not. He only did his duty.

Mr. Heron : He only *did his duty*. So be it. How many cattle did you drive in on the mountain outlet ? 30, and 50 or 60 sheep the first year, and about the same number the second year. I don't know the number of my sheep there at present.

Did you circulate the letter against Father Lavelle at the expense of the company ? I did not myself, nor did the company.

Did you know the spring and summer of '67 were trying to the tenants ? I did not make a comparison. I believe the Rev. Mr. Lavelle procured meal for our tenants, but they did not want it.

How many processes were issued by you on the 2nd November for rent due on the 1st. It might be two or twenty.

Did you approve of that treatment ? The agent issued the processes, as I understand, one in each townland.

Did he inform you of the bills he got from them ? He charged them the four pence in the pound penalty on those bills for want of punctuality, and for not paying in ready money. I am very sorry he did it.

Did you disapprove of it ? I did, and told him so. *As far as that goes, Father Lavelle did good service.*

Did you serve notice to quit every half year ? I cannot say.

Were they only notices to quit *in terrorem* ? *A great many of the tenants got those notices to quit.*

The rental was how much ? £900 a year, and I don't know to what extent it is sought to raise the rents.

A Juror—Do you hold the land in fee ? No, we hold it by a bishop's lease.

Are not the tenants on the mountain outlet paying their rent for the commonage as well as the land ? Yes.

Another Juror—How much of the land were you to get for the £30 a year ? One-third, I think ; two-thirds to the tenants, and one-third to me.

Did the company buy any copies of the paper containing Proudfoot's letter ? I think not ; I saw a statement in Mr. Lavelle's letter that the rents were raised 30, 40, and 50 per cent. over Griffith's valuation ; the rent is increased, but I can't say to what extent ; in point of fact, no increased rent has yet been exacted from the tenants.

The Chief Justice—*It is quite plain there is a process going on of making a new rental.*

Mr. Heron, Q.C.—Did you know that the tenants were processed for fees to be paid to surveyors ? I did not know of it, but I heard of it ; it was not authorized by me ; I know Thomas Linskey ; he was employed under Mr. Brett ; he processed some tenants for work done by himself for them ; I personally had no knowledge of the exaction of those fees.

In addition to processes of ejectment for non-payment of rent, did you authorize processes for the recovery of rent ? The solicitor, I suppose, advised it. (Process against Pat Angel, of Cloonee, handed in and marked, and an ejectment of the 2nd April, 1869.)

Did you know that the agent of the estate was suing an £8 tenant in the Queen's Bench ? I heard it ; I did not really know what the nature of the proceeding was ; (another notice of ejectment, signed by Mr. M'Cullagh, handed in) ; that was dismissed by the Chairman.

Did you sign the notices to quit yourself ? *I signed a great many of them.*

The notice was signed 29th April, 1868.

Do you mean to say when you signed those notices you merely signed *in terrorem* ? They were never signed to get possession ; they were only served to effect the change in the holding.

Have you in writing the rent the tenants are paying ? I have not ; Mr. Proudfoot has it.

Were your sheep ever in the Port Royal demesne ? No ; they were not ; I often saw the old rental, but I did not see the new one.

Did you let the Port Royal demesne to Proudfoot ? The company did at £200 ; there are 300 or 400 acres in it ; there is a house there.

How much did the company spend on that place before letting it to Proudfoot ? About £30 on the house, but large sums have been spent there since ; I never told the tenants that I intended to convert them from tenants at will into fee farm.

Did you take from them their old turbary? Not that I am aware of. Did you hear of this before? No.

Did you make any inquiry? No; we always referred these things to Mr. Brett, who satisfied the board; I knew nothing of the I O Us for eleven shillings.

When you changed the tenants did you leave them in their old houses? Yes; we are building new houses for some.

Did you write a letter? Yes, to the *Galway Vindicator*, shortly after Proudfoot's letter, in order to contradict a statement that was prejudicial to me; the statement that I referred to about paying a higher rent than anyone else referred to the £30; we had several looking at the Port Royal estate, but no one would take it, and it was a *dernier resort* to let it to Proudfoot.

To Mr. Johnston—The rent we pay for the estate is over £200 a year.

When you put your cattle on the mountain, did you turn any other person's off? Certainly not; there was more grass there, and enough for all.

Mr. Heron—As between you and the company, did you put on as many cattle as you like? *I have not been restricted.*

John Proudfoot examined by Serjeant Dowse—I am the manager of this estate; I am there two years and more; I was not acquainted with the property before I went there as agent.

Had Mr. M'Cullagh entered into the agreement for putting the cattle on the mountain? I don't know; the mountain was a common before he put his cattle there, and everybody grazed on it; Mr. Brett, the engineer, marked out some portions; I believe that the tenant Linskey pointed out a boundary to me between the mountain; in consequence of a suggestion I made, the portion for the tenants was increased, and that left was more than enough for their purposes.

Did the tenants agree? When I went there they told me it was worth nothing, and they asked me to fence it for them; there was enough for the whole of them; but the arrangement was not carried out, and the tenants had still the use of the mountain; M'Cullagh had cattle there at the time the letters were published, but there was more grass there while his cattle was on it than the tenants or others could use; I told the tenants to fence some portion of the land, and they did it; that gave employment, and the tenants were paid for it.

Was there ever any interference on your part or M'Cullagh's to prevent the tenants grazing over the mountain? Certainly not; they were grazing on the mountain still; there was a tenant, a herd, who keeps off trespassers; I never heard of any complaint being made till the school was being built by the company; I never knew of any land being taken from the tenants; I never took turf from them; I collected the rents; the bailiff served the notices to quit, and it was done by the company. Linskey made a claim for surveying, but I had nothing to say to that. I did not authorize Linskey to sue any of the tenants. 1867 was

a hard year, and seven tons of meal were given to the tenants by the company; the company mulcted me in what they charged me for the house and demesne. I know Philip Henehan; there was a distress levied on that man by my orders, and I seized this man's cow, but I did so because I was told this man was about going to America. The bailiff's name is John Naughton; the cow was worth £7 or £8, and the rent was £3 or £4; the distress was issued because I understood he was about to run off to America; the cow, though seized, was not removed; after I seized the cow he offered me half a year's rent; he did not offer that until the cow was seized; if he would give up the place I would have let him off altogether. The tenants, I swear, were never deprived of the mountain outlet.

How many civil bill processes were issued on the 2nd November, for rent due on the 1st? Seven or eight; I could not get the rent from them; those people were not evicted; they owed £2 and £2 10s., which they would not pay; they had to pay law costs also; there was one ejectment in the Queen's Bench, but no judgment was marked on it; there were some of the ejectments never proceeded with; a good many of the ejectments were never proceeded with; I never knew anything to be done with the tenants except for their good; if they were left alone they would be all right; I deny that the rents were raised 40, 50, and 60 per cent.; it is not *raised yet*, but it will be raised; my sheep do not eat any grass belonging to the tenants; they eat grass for which I have to pay.

Serjeant Dowse.—And they have a right to eat it, and you have a right to eat them in return. (Laughter.)

[The learned counsel here read the letters published in the *Irish Times* by witness, in refutation of the letter of the Rev. Mr. Lavelle.] That is my letter. [Counsel also read some remarks from the leading columns of the *Irish Times* on the subject of the difference between the company and the tenants. He also read the Rev. Mr. Lavelle's letter, headed "How to evict without serving notice to quit." Witness was asked as to the statements contained in that letter, and he denied that they were accurate; the tenants were asked to pay the surveyor; the company paid him.

Did you demand anything for the surveyor's fee? No.

Did you threaten to distrain them? No, but in reference to the striping, I said I would put the cows off the land if the tenants did not consent to resign their old holdings.

Did Linskey offer the rent at all? No, I offered to let him off if he gave me the place over.

Was that season a bad one? Not more so than many others.

Are the statements in your own letter true? I don't know what you mean.

The letter to the *Irish Times*? Yes, the woman was beaten.

I am not asking you about the woman. Were the statements true? Yes, the woman was beaten.

That is not what I am asking about at all. Father Lavelle says that the statements in your letter are flagrant untruths. As far as you know are the statements in your letter to the *Irish Times* true? I believe them to be true.

Did you read the letter of the 27th January, in which he makes the calculation? I did.

Did you investigate the figures? No.

Did you take away any waste land? No; the tenants at Shrah were not deprived of any land either; the company drained the lands there; at Derrew I am building walls, and arrangements have been made with the tenants to build houses there; the company brought down the materials, but the tenants would build the houses if the materials had not been sent down itself; everyone there has two cows.

Did you issue a ukase for the tenants to go? No.

Did you see "iron eating into their souls?"—(laughter) No.

Is there any transaction about Widow Gibbons but the one which you have contradicted? Not that I am aware of. It is stated that she got a notice to quit last year for a year's rent, and that all promises were broken with her? She owed a year's rent, and a man wanted to take land from her, as consacre, if I would guarantee not to come on him for the rent.

The Chief Justice: Was there a process issued? Yes.

Did you say you would not issue a process? I did, and did not do so until the last moment.

Was there any I O U taken? No.

Was there an I O U for Ga. for the surveyor taken? I know nothing about that at all; the tenants knew they would not be turned out, that we only wanted to stripe the land; they were dependent entirely on what the company would do; all the parties who signed the agreement to leave their land were to get new stripes.

To a juror: A great number of the tenants have entered into the new stripes.

The Chief Justice: What is the new rent to be? *It is not fixed yet.*

To Sergeant Dowse: Some of the tenants would not sign any of the agreements, and they have not gone in on the new stripes; many of them signed an agreement that they would pay an increased rent. (A number of agreements were here produced) Those who did not agree remained as they were before.

Mr. Falkiner, Q.C.: The result of the system is that every tenant who would not sign the agreement would go out on a certain day.

Sergeant Dowse: Those who have not agreed to sign these are still in possession? Yes.

Cross-examined by Mr. Horon, Q.C.: Most of those people speak Irish, it is the old rent they are at present paying; I know James Philbin; he is a marksmen.

The Chief Justice: Is Philbin a specimen case?

Mr. Heron : Yes, my lord ; a specimen of the history of an unfortunate Irish tenant.

Examination continued : Philbin speaks Irish and I speak English (laughter) ; *he entered into this agreement by which he agreed to forfeit £10 for every lodger he took in. (Great laughter.)*

Was that explained to Philbin in Irish ? *I cannot tell you the precise circumstances of that ; there was an explanation given to them of what they were signing.*

The new rent as to Philbin was to be over £8, his old rent being only £3, yet he signed the agreement ? There must be some mistake as to that.

Mr. Heron : Do you think so ? It is a comical agreement.

Witness : Some of those agreements were signed by the company, and by Mr. M'Cullagh, as chairman of the company ; the tenants who signed the documents are on the new stripes.

Did you ever give the tenants any document or copy of those documents ? No.

The Chief Justice : What tenure have those people now of their holdings ? They are there, my lord, and they have signed an agreement to pay the new rent.

The Chief Justice : *To make a man sign an agreement at a particular rent and to say the company did not intend to take that rent is quite ridiculous.*

Mr. Heron, Q.C. : Indeed it is, my lord. (To witness)—Did you not compel those poor people to give I O Us for small sums ? Yes ; I pledge my oath what land Mr. M'Cullagh has there is not worth £5 a-year.

Don't you know that Judge Fitzgerald certified in the case at Galway against you for costs ?

Serjeant Dowse : You must produce the certificate.

Mr. Heron : Here it is (produced).

Witness : He certified for costs, but I have not yet paid the costs ; the tenants' old turbary has not been taken from them.

The Lord Chief Justice asked Mr. Proudfoot were the rents on the estate usually paid punctually ?

Mr. Proudfoot *replied in the affirmative.*

Mr. Henry Brett was then examined by Serjeant Dowse as follows :—I am surveyor for the county of Wicklow ; I was formerly surveyor for Mayo ; I knew the Port Royal estate ; I went over the property to inspect it.

The company left it in your hands to stripe the lands ? Yes.

Was there any of the land held on the Rundale system ? A large portion of it.

Is that a convenient mode of tenure ? I conceive it is injurious to the tenant, and one that would deteriorate the land. I considered it best for the interest of the tenant, and necessary for the land, to stripe it, and make each holding a complete one.

Did you intimate your intention to the tenants ?—I did ; and there was no dissent, and I thought them all satisfied with the arrangements.

Did you hear any dissentients at all? Not a word; the tenants were all willing to surrender their holdings for the purpose of having them striped.

To the Lord Chief Justice—The holdings are ranged from one to ten acres; there were other larger holdings, but all did not hold under the Rendale system; I conveyed myself to the tenants both in English and Irish.

What condition was the land in when you became acquainted with it? It had deteriorated considerably towards what it was when I knew it fifteen years before, and I made plans for improvements which were beneficial for the tenants as much as the landlord; the plan consisted of draining, clearing out, and building houses, and my estimate was about £3,000.

How much of that was spent? About £2,000, and the rest is in course of being expended.

How much of the estate is good arable land? About 1,000 acres.

Was this land improved by the works you mention? Yes, and it was distributed among the tenants when improved.

How many tenants were there? One hundred and ten.

Did you find the rents unequal? Yes, and it was on my advice and calculation the company adopted the increased rent, with which, as far as I know, the tenants seemed to be satisfied.

What is Griffith's valuation? Something about £840.

What were the existing rents when you arrived? £980, and they were unequal.

Did you recommend the company to make an increase? I did, on the basis of expenditure by the company, so as to give an interest for the outlay.

What was the increase of rent calculated on a fair per-centage on the outlay? About £200 on the £3,000 outlay, or £200 or £300 above the rents on the land as I found them, and that is the increased rent we have heard about.

In your judgment is that a fair rent for the estate? I think it is a moderate rent; it includes about 150 and 200 acres of land, some of which never paid rent before.

You heard Mr. Proudfoot say yesterday that they pay rent now for land that they never had before. Is that true? It is.

In this allocation of land did you try as far as you could to give the tenants the land they had before? I did.

Were your directions for that carried out? I believe they were, and I found no favoritism any place; wherever I heard complaints from the tenants I investigated them; the mountain top of Derama is from 1,500 to 1,800 feet above the level of the sea.

Is the plateau of land from which this mountain springs above the level of the sea? It is.

Is the mountain grass to the summit? It is; but only the sides of the mountain facing east and north belong to the company.

Was there any division between the estates? Nothing but an ideal line.

When you went there how did you find the Port Royal portion used? I found the tenants had not sufficient stock to occupy the lands, and the mountain was used as a commonage by the people for several miles around; I was told that that was so.

To Mr. Heron—I was told it on the land.

Serjeant Dowse—Did you recommend the company to fence the mountain and mark off a portion for the tenants? Yes; in '66 I recommended, and in '67 I had the marking-off done; there were about 1,500 acres left for ten tenants to graze their stock on, and I considered that more than ample for the tenants of Derassa.

Did any of the Derassa tenants complain to you of other people grazing cattle on the mountain? The complaint was that they had not enough of cattle themselves, and that as other people used to graze cattle on the mountain it was useless to them.

In consequence of anything Mr. Proudfoot told you, did you increase the allowance of land for the Derassa tenants afterwards? I did.

And did you fence between the Port Royal estate and Mr. George Henry Moore's estate? I did; and the effect of that fencing was to greatly increase the value of the land to the tenants.

To the Chief Justice—There are 15 tenants at Derassa, and 18 at Shrah.

Serjeant Dowse—Was there sufficient grazing for all the cattle you saw there? There was and more; I don't think 20 kyloes put on the mountain would injure the grazing for the tenants, because the mountain was a very large tract, and gave more than enough for the tenants.

In consequence of the draining, were the lands of Derrew increased in value? O yes, very much.

Have you ever been there in the wet weather in the winter? I have.

Did you see any improvement there towards what it used to be? In winter it was covered with water before, and last winter I saw cattle grazing there; new houses have been built, some by the tenants and some by the company.

The Chief Justice—Have they any agreements for leases? They have a sort of tacit agreement, and if they have not leases I think them fairly entitled to them.

Mr. Dowse—They have as good tenure as they have in Ulster.

Mr. Heron—Oh, do you say that?

Chief Justice—I have some doubts about that, Serjeant.

Serjeant Dowse—In point of law they have.

The Chief Justice—Oh!

Cross-examined by Mr. Heron—I don't know of my own knowledge that there was great distress in that part of the country, but I believe that there was the usual periodical distress there; *I know there is much more distress in that part of the country than in any other part of Ireland.*

How many houses have the company built? Five, I think, but the arrangement is for ten.

At how much a piece? £50.

And how much has been spent on the demesne for Proudfoot?

That has nothing at all to do with the company's expenditure.

But how much was spent? About £300.

How much, now tell me, is the new rent? £1,192 8s. 0d.

How many tenants signed the agreement? From 80 to 90.

What is Griffith's valuation for Derrew? £50 2s. 7d.

And what was the old rent there in '66? £71 1s. 3d.

Now, what is the new rent? £134 13s. 7d.

How much, now, is Derrew let at over the townland valuation?

The townland valuation was never intended as a criterion.

Is it 100 per cent. over Griffith's valuation? It is.

What is Griffith's valuation for Kilkyren? £145 5s. 4d.

What was the old rent? £180 8s.

What is the present rent? £203.

Is that 30 per cent. over Griffith's valuation? Oh, I don't mind that at all.

But is it? It is.

Now, what was the valuation of Newtown? £81 4s. 2d.

What was the old rent? £107.

To the Chief Justice—Griffith's valuation is the best we have, but it proves no criterion for the rent.

And what are you taking your basis of calculation from? The valuation of 1843.

Mr. Heron said he had the authorized valuation for the years '66 and '69, by which the valuation was £93 15s.

Mr. Heron—All your answers were from the valuation of '43? Yes.

What is the existing rent of Newtown? £128 1s. 6d.

What is the valuation of Cloonee? £48 3s. 6d.

Old rent? £58 4s. 3d.

New rent? £82 3s. 1d.

Is that an increase of over 60 per cent.? 60 per cent. of what?

Over the old rent, and nearly 100 over the valuation? It's about 33 per cent.

You said the operation of striping was difficult? Yes.

And difficult to please the tenants? Yes.

Did you hear of the agreements for giving up possession, and becoming caretakers? Not till afterwards. I think I was consulted about the tenants' proposal.

Was there distress more than usual in '67? There may have been distress, and I am satisfied there was.

That is, there was more than in '66? I had good reason to remember it, for I urged on the Board of Works and the company to hurry on the improvements, in order to give employment.

How much of the £3,000 has been spent? About £2,000.

During the year '68 were you altogether a fortnight on the property? Oh, no, I was not. I used usually to go down for a day or two, and sometimes for four days.

Didn't you tell the tenants in '68 the company was going to

improve their condition? Certainly I did, and I believe the people had confidence in me. .

Since you made that promise, how many houses did the tenants build? Several, which are more comfortable and superior to the old ones; the tenants have improved the land since then, and those who are willing to act fairly deserve every encouragement.

Have not the people drained and improved their land since '67? Yes.

And at this moment deserve leases? They do.

Don't you know it was very much on your promises they made these improvements on their lands and went to this expense? I do. I believe it was very much on my recommendation and from what they knew of me.

Mr. Edward Henry Carson examined by Mr. Johnston, Q.C.—I think the property of Port Royal has been greatly improved since '67, and I form that opinion from the condition of the tenants and the land itself; the land has been drained, boundary walls erected, houses built, and the river lowered about five or six feet.

The witness was not cross-examined.

Wm. Joyce examined by Mr. Butt, Q.C.—I am a tenant to the company on the Kilkyren estate; I don't know how many acres I have between good and bad; when the company got possession of the land I paid £15 5s. 6d.; I pay now £16 16s. 6d.; I have not been asked for that increased rent yet, nor have I paid the May rent yet.

Mr. Butt said that all these rents were from 1st of November, and fell due in May, so that they were not paid yet.

Examination continued—When the company got possession I had pasturage, which was all a common, on parts of the lands of Kilkyren; the land was in common with others, and contained about 80 acres; I sent two cows, and some time of the year a horse to graze there.

How had you that right of pasturage? I don't know, but I used to send them there.

To the Chief Justice—I lived there a long time; my father before me had the same right.

To Mr. Butt—About 9 acres of that common are now fenced off and given to another man who is joined with me, and no one else can put their cattle on it; twelve tenants used to graze on the eighty acres; I have more satisfaction now from the nine acres than the right of grazing, because I have it all to myself; I know I am better off, and I would pay as much for it as for the right of grazing.

Was there any other change made on those lands but that? No.

Since the company got possession of the lands there was distress, and employment was given to the tenants by Mr. Proudfoot, and they were paid accordingly as they liked to work.

Do you think you are as well off now as you were before? I am.

Did any one object to that striping off? No one that I know of.

Father Lavelle is your parish priest? Yes.

Were cattle driven in on you about a month ago? There were.

By whom?

Mr. Heron objected to the question as not being pertinent to the issue.

The Lord Chief Justice considered the objection good.

Cross-examined by Mr. Kaye, LL.D.—A man named Gronell is joined with me.

Are not these 9 acres the pick of the common? These are good, but they are not the best.

If you had your choice now, are not they the very ones you would take? They are not.

Had you to pay any costs at all? I had.

How much had you to pay? I paid no costs yet.

How much are you to pay? I don't know; I was not told.

Were you served with a process? I was.

Had you to pay costs on that? I had.

When were you served? In November.

For the rent that was due on that very November? Yes.

And how much costs had you to pay on that? I think it was 14s. 8d.

Mr. Heron read the proposal which was dated 26th of November, and said he was exempted from the fine for lodgers, but was liable to a fine of £10 if he kept any cattle or fowl in the house. (A laugh.)

The Chief Justice—But they will get in, nevertheless. (Laughter.)

Cross-examination continued—I signed two other papers before that. I heard that I was to pay fees for being put into the new possession.

You paid the last November rent? I did.

When? In November.

Was it Mr. Proudfoot put you into possession of this new stripe? Yes.

The Chief Justice—Do you expect to get a lease? Well, I was told I would.

Who told you? Mr. Proudfoot.

Mr. Kaye—When? About two months ago.

Mr. Heron—Ha! You may go down.

Mr. Heron, during the examination of witnesses, read the following curious agreements between the tenants and the company:—

“Memorandum of agreement entered into this 28th day of April, 1868, between Andrew M'Cullagh, Esq., of 34 Lower Abbey-street, in the city of Dublin, merchant, on the one part, and James Philbin, jun., of Clonee, on the other part:

“The said Andrew M'Cullagh agrees to let, and said James

Philbin, jun., agrees to take the house and that part of the lands of Clonee as now in his possession, situate in the barony of Carra, and county of Mayo, for the term of one year, commencing from the first day of November, 1867, and ending the first day of November, 1868, at and for the rent or sum of £1 19s. 0d. sterling, for the use and occupation of said house and lands for said period, same to be paid in two equal payments on the 1st May next and 1st November following; the tenancy to cease on the 1st day of November, 1868.

“ANDREW M'CULLAGH.

his

“JAMES \times PHILBIN.

mark.

“Witness present—Martin Henaghan.”

“13th day of November, 1868.

“SIR,—I have this day given you up the quiet and peaceable possession of the house and land of Clonee, in the parish of Ballyoney, barony of Carra, and county of Mayo, which I held as tenant from year to year to you, and you have kindly allowed me into said house and lands for a short period as caretaker, and I undertake to give you up said house and land at any time you ask for same without any trouble or expense.—I remain, sir, your obedient servant,

“JAMES PHILBIN.

“To Andrew M'Cullagh.

“John Naughton,

“Witness present when truly read and explained.”

“TENANT'S PROPOSAL.

“To Andrew M'Cullagh, Esq., 34, Lower Abbey-street, in the city of Dublin, merchant.

“I propose to take and become tenant to you of all that and those the lands of Clonee and Port Royal estate known as Stripe No. 13, containing in or about $3\frac{1}{4}$ acres or thereabouts, with the house and offices thereon, as tenant from year to year, and to pay for same the yearly rent a sum of £3 16s. 10d., payable half yearly, on every first day of May and first day of November in each year. Tenancy to commence from first day of November, 1868, I to pay the usual taxes as between landlord and tenant. And I hereby agree and undertake to keep in constant and proper repair and condition all the houses and fences on said lands, and all drains thereon; and to give up all said houses, fences, and drains, at any time I shall have to yield up said holding, in proper and tenantable repair and condition. And I agree to whitewash with lime the house and offices on said holding twice in each year, and that I shall not keep or house in the dwellinghouse on said holding, any cattle or fowl whatever, and further that I shall pull and destroy all weeds that may grow upon said lands. And I further agree

and undertaketh that, during my tenancy, I shall cause the fodder to be consumed by cattle or otherwise upon some part or parts of my lands, and that I shall not sell or dispose of any of same, and also that I shall not nor will not take more than one white crop off said lands without following same with a green crop of some kind or description; and that I shall put into and upon each acre of said lands not less than 50 barrels of lime per acre once in every three years during my tenancy. And also that I will not conacre or sublet any of said holding during my tenancy, nor shall I take or permit to be taken in any lodgers to my said house, nor shall I dig for or raise nor permit or suffer to be raised any bogwood of any kind or description, or cut or permit or suffer to be cut any turf on said lands for the purposes of sale, without the written permission of my said landlord or his agent, nor shall I cut or permit or suffer to be cut any timber growing or to be grown on my said holding. And I further agree that in case I shall break or neglect any of the aforesaid covenants, I shall forfeit and pay a sum of £10 for each of said covenants so broken or neglected as aforesaid, *said sum to be recovered as rent, and subject to all proceedings for recovery thereof, as by law refers to the recovery of rent in arrear.*

“Dated this 16th day of February, 1869.

his
“JAS. ✕ PHILBIN, jun., Clonee.
mark

“Witness present—JOHN D. PROUDFOOT.”

James Malone examined by Mr. Gibson—I hold £2 worth of land belonging to the company on the Port Royal estate at Derassa; I know the mountain there; there are some cattle grazing there, and the mountain would graze more; I have seen more cattle grazing there than now.

Cross-examined by Mr. Falkiner—Do you know what a £10 lodger is?

The witness said he did not understand.

Have you your agreement? No answer.

Document handed to witness.

Can you read that?

Witness—I could not read the cris crosses. (Great laughter.)
I have the same land as before.

Do you know what an agreement is? I don't know to tell you in English; you are too clever for me.

His lordship—How much rent are you to pay? £2 every year.

Mr. Falkiner—Did you ever put your cross to any paper? Do you know what rent you are to pay? I have the same rent as before.

Mr. Falkiner—Listen to this: “I propose to take and become tenant to you of all that and those the lands of Derassa on the Port Royal estate known as Stripe No. 4, containing about 12½ acres, with the house and offices thereon, and pay for same the

yearly rent of £4 6s. 7d." Did you ever hear of that before? That is Irish; is it? No answer.

To Mr. Duffin—I have the same land as before I signed that agreement; I have not got my new stripe yet, so that I have not yet paid the new rent.

John Naughton examined by Mr. Butt—I am bailiff on the estate, and was bailiff over it before the company got it, under the Court of Chancery, Mr. Kenny being the receiver; I know a man named Henaghan; about Christmas last I went with Mr. Proudfoot to his residence; Mr. Proudfoot demanded the rent, which was something about £3; it was a year's rent; Henaghan said he would not pay it.

Did he give any reason for not paying it? He said he was going to America; he said nothing about giving up the farm; he said he would leave the house and manure which was in the stable for the value of the rent; Mr. Proudfoot said he would seize his cow if he did not pay his rent; Henaghan had a heifer also, and I heard he had 21 sheep and two pigs; I don't recollect what Mr. Proudfoot said, but we seized on the cow and left it on the land; I don't recollect that he offered to pay a half-year's rent before the cow was seized; he sold the cow a short time after; Henaghan had a small stack of oats, some potatoes, and a horse at the time of the seizure.

At the time the estate was in Chancery how was the mountain of Derassa used? The cattle from five miles on each side used to be driven in on it to graze; there was no fence on it at that time; part of it is fenced now; at that time I think there was no hindrance to any person putting their cattle on it, for there was no fence or mearing; I know a widow of the name of Gibbons on the estate; I think the stripes on the Derassa mountain are now completed. There is good grass on the lower part near the arable land below the line; I ordered Widow Gibbons to pay the rent, and I believe she paid it some time after; I don't recollect warning her to pay the rent; Bryan Comisky takes care of the mountain for Mr. M'Cullagh.

Cross-examined by Mr. Heron, Q.C.—Before the company came there, and before the stripings were used, the tenants cut their turf wherever they liked, here or there? All the tenants used to cut the turf except where there was conacre. Are you not trying to make them cut turf in a particular place? They were told to go into one bog where it was drained; some did and some did not. You were examined at the Galway assizes? Yea. On your oath did you not there swear that Henaghan offered Mr. Proudfoot a half year's rent, and it was refused? (Hesitation.)

Chief Justice—Answer the question, sir! don't be taking up the time.

Mr. Heron repeated the question.

Witness: How refused?

Mr. Heron: Answer, sir. He refused, unless he got the year's rent; that was after the cow was seized; the herd Bryan Comisky

was left in charge of the cow for two or three days ; did not know how much he got ; witness received the warrant from Mr. Proudfoot on the day he seized the cow, St. Stephen's Day, as he was going up the mountain, but could not say at what hour ; I don't know the quantity of land I have, but I pay £14 for it.

Chief Justice—Do you mean to say, sir, that you don't know the quantity of land you have ? I do not, I never got a return of it ; did not know whether Proudfoot offered to forgive him the rent if he gave up the place ; witness signed an agreement about twelve months ago ; I know James Philbin, jun. ; I was present when he put his mark to the agreement (produced) ; I speak Irish, and I explained as well as I could to Philbin the contents of the document ; I knew he was to be fined £10 for every lodger he took in. (Agreement of witness with the plaintiff to become tenant for one year at a yearly rent of £14 handed in as evidence.)

Michael Henely examined by Mr. Johnston, Q.C. : I am one of the bailiffs on the Port Royal estate ; I knew the mountain of Derassa before the company bought it ; it was grazed in common by the tenants of Derassa ; there was no wall or hedge to prevent the cattle of Mr. Moore or Lord Plunket going in to graze on it ; I cannot say if any other tenants had their cattle grazing on it but those of Derassa ; I heard the tenants frequently complain of trespassers ; some people used to come and cut the grass with scythes and carry it away.

To the Chief Justice—I went to the mountain prior to the company taking possession, occasionally as process server ; I cannot say that I know the tenants on the Port Royal estate except those of Derassa had a right to graze on the mountain ; I heard the tenants of Shrah had.

To Mr. Johnstone—I served about seven or eight processes on the tenants ; in some townlands there was only one process and on another four.

Mr. Falkiner.—Did you ever hear of the Shrah tenants being prevented from having the same rights on the mountain as the Derassa tenants ? I never did. And there was no fence to prevent them ? No ; I was the person served the tenants with processes in November, but they could not be tried till January ; it is necessary to serve a process fifteen clear days before the sessions.

Bryan Comisky, an Irish-speaking witness, examined by Mr. Butt—Mr. Butt having been sworn as interpreter—I live in Derassa, and have been for about twenty-two years.

A juror (Alderman Tarpey)—Let the witness speak up. (Great laughter.)

Alderman Tarpey—I will turn the laugh, perhaps, some other way. I understand the witness, and wish him to speak up.

Examination continued—The Derassa tenants used to graze their cattle on the land, but strangers came in as trespassers ; the Shrah tenants used to graze their cattle there, but not this year ; they had no right to come in.

How many of the Shrah people used to put their cattle there? The Shrah people used to put them there unknown to the Derassa tenants; I was continually trying to keep them off.

Cross-examined by Mr. Heron: I was appointed herd of Mr. Proudfoot two years next Lady Day; I knew Mr. M'Cullagh's part of the mountain; I was told to look after Mr. M'Cullagh's cattle, and keep them on this part of the mountain; I kept M'Cullagh's part of the mountain free from stray cattle as well as I could; it was very hard to do so; I did not get the Derassa tenants summoned for trespassing on the mountain; I was summoned by a woman who told a lie of me; the magistrates fined me a pound for assault; the woman was the wife of Lalley, a Derassa tenant; she was coming down from the mountain, but was driving no cattle; the parties had a dispute, and I went between them; for that I was fined; my son assisted me in herding the mountain; he had a dog.

John Conisky, son of the last witness, examined by Mr. Butt, through an interpreter: My father is a herd to Mr. M'Cullagh; I have a dog, and help my father to herd the mountain; we keep the cattle off the land; see the cattle and sheep of the Derassa tenants on the mountain; there is no obligation to take care of the tenants' cattle; I do nothing to prevent the tenants' cattle going over the mountain; they have liberty to go over the entire mountain.

Are you quite sure the tenants' cattle have a right to go to the top of the mountain? I am quite certain they have, and Mr. M'Cullagh knows it; we got no directions to keep them off, and I have never seen such grass on the mountain before; there was a little damage done there.

Cross-examined by Mr. Falkiner: I know of the pound of Bohan; I did not know of the sheep of Martin Henaghan being impounded there.

Mr. Butt: Now, my lord, we close.

Mr. D. C. Heron, Q.C., then stated the case on behalf of the defendant. He said—May it please your lordship and gentlemen of the jury, this is no ordinary trial. Interests are at stake upon these issues here knit upon the record, more important than they would seem at first sight upon a mere case of libel with the plea of a fair comment upon public proceedings. I cannot disguise from you that I consider this case as one of no ordinary interest—as of no ordinary importance to the administration of justice, to the liberty of the press, and to the condition of the people of Ireland; and when I have named these three topics, I feel that I have named the three things most important to the peace and prosperity of this country. Gentlemen, this is an action of libel brought by Mr. M'Cullagh against Major Knox, as the proprietor of the *Irish Times*. It is an action of libel, brought, not for anything that Mr. M'Cullagh has done or is said to have done in his private capacity as a gentleman or a merchant. It is solely conversant with these transactions commencing in 1866, since the National Building and Land Investment Company of Ireland (Limited)

was founded, and since it was proposed, as appears by this document I have before me, by this institution (Limited) to regenerate the country. Gentlemen, this limited company propose to have a capital of one million sterling. It has respectable names connected with it, as directors and bankers, as solicitors and as architects; and as Mr. M'Cullagh, the plaintiff, told you yesterday—and I take the statement from his own lips—the objects of the company were partly for profit and partly from patriotic motives; and although the principal motive was a motive of profit, they had in their view, so far as capital, means, resources, and ingenuity and ability could do it, the establishment in Ireland of fixity of tenure. The land question was to be settled by this company—that question which is looming in the future, and probably may occupy a session or two in parliament, and may settle the fate of one or two ministries before being finally decided. The condition of Ireland question and the condition of the people of Ireland question were to be settled by the National Building and Land Investment Company, with Mr. Andrew M'Cullagh as chairman. What the French Revolution did for the French peasantry, establishing them as proprietors of the land without landlords at all in most instances; what was done in Switzerland by a similar revolution, where the agricultural tenants pay no rent; what was done for Prussia by the great war, establishing peacefully what would be called a revolutionary measure, transferring fee-simple from the nobles to the agricultural tenants at fixed fee-farm rents—that was to be done by the National Land Investment Company, limited as to capital, but with a philanthropy and patriotism lofty as the Alps, and boundless as the ocean. Yes, what our statesmen could not do in this country—what neither John Bright nor Isaac Butt could do for Ireland, Andrew M'Cullagh would do. (Laughter.) That is the way, gentlemen, we stand with this matter, and I am not relying upon mere verbal observations stated during the progress of the trial. I refer to the chairman's eloquent address when dividing the five or six per cent. to the shareholders: "I trust you will accept this account of our progress, comparatively small, no doubt, but in such adverse times, as a promise of future increase and popularity. I believe we shall, in time to come, become both prosperous and popular—popular, because our foremost aim is to strike a blow at Ireland's greatest, her almost only serious grievance—insecurity of tenure; and with a view to effecting this object we shall, on purchasing land, as in the present instance, see how it can be improved consistently with prudence, and having become acquainted with our tenants, we purpose to grant leases to such as appear industrious and deserving, and, in some instances, possibly selling the holdings to such as have the means to purchase; and having remodelled the estate and established the tenants in security, we propose to sell out as soon as we can realize a fair profit, and then go into the market again." All this philanthropy has an eye to the main chance, and in these transactions, having been the owners of Partry since 1866—

Mr. Butt—Port Royal.

Mr. Heron—I find that Port Royal is the English translation of Partree. Partree means the king's share, and Port Royal is a sort of English translation of the word. I am glad that this has been mentioned, because I should tell you that there is a little bit of good land there, now called the Port Royal demesne, and now held by Mr. Proudfoot, the servant of the company. This portion was formerly held, because it was the king's share, by the men who had the power, and the others occupied the mountain. This good bit of land, the king's share, is now held by Mr. Proudfoot. The company became the owners of this property in 1866. It is a wild mountain district. I adopt the description of it given here to-day by Mr. Brett, who gave his evidence so creditably before you—who tells you he knows the country—who tells you of the distress unfortunately recurring there more than in any other part of Ireland, and that, I know, means a great deal more than any other part of Ireland. He tells you how there, year after year, in the hard winter and the wet spring, the cattle are suffering from that want of grass which those unfortunate men, those tenants, those caretakers, for they are nothing else, have been brought up to swear was plenty for more than twice the number of cattle that were on it. They are in a poor district, where there is not a single gentleman residing, nor a single person for the tenantry to appeal to except their humble parish priest. Of this wild mountain district this land-jobbing company become the owners under a title that may be converted into a perpetuity. They become owners of the land and absolute disposers of the lives and properties of those Partry tenants. Gentlemen, the management of this estate is arraigned. I arraign it here. The question for you is, are these letters a libel by Major Knox, the proprietor of the *Irish Times*, here opening his columns to both sides, as I will show you, upon this question, fully, fairly, and impartially—has he in these letters in one single degree transgressed those fair and legitimate bounds of public criticism upon the acts of public men as regards the most important question of the day, the condition of Ireland? These people get possession, as I said, in 1866. Mr. Brett, whom I know well, and have known for many years of my life, was employed as the architect and surveyor, and he gave you, and I give to you as the commencement of these transactions, that affecting story, how that he, a Mayo man, in whom the people had confidence, and being employed as the trusted servant and architect of the company, how he went round amongst the people, telling them how the company came to improve their condition; how he believed that in the faith of the promise he gave them they had built their 15 houses since 1866; how they had improved the land, drained the land, fenced it and cleared it; and he told you that in his heart and conscience he believed there were no more deserving people in the world, and every one of them deserved a lease at the hands of this land-jobbing company. I protest when I heard that piece of evidence I saw the witness himself affected by it, and he was struggling

with emotion. He knew that the people were wronged ; that the people had built, and fenced, and drained on the promise he, a Mayo man, had given them ; and that for years they had been kept as caretakers, under a document which they signed, knowing not what they were signing, resting on promises given them over and over again by a man in whom they had trusted ; and he felt himself that his promise had been broken by his employers. I have said that Patrick Lavelle was the parish priest of the district. I claim for him, as parish priest, no liberty of speech, no right to interfere—nothing that any other member of the community is not entitled to. For him, as parish priest, I claim no privileges whatever, directly or indirectly. One thing I claim for him, one thing I claim for myself, one thing I claim for Major Knox, my client, who has entrusted his case to me, and one thing I claim for every individual in the community, and I say with Milton, that “ of all liberties no liberty is so great as to think, to believe, to speak, to utter with conscience.” That is the liberty that I claim—to utter with conscience what a man believes to be true, and to have reason for that belief. If I were to seek a definition of what ought to be privileged in the law of libel, I would accept the definition which Milton gives, and I say I claim for the priest—not because he is a priest, but because he is a subject of the queen, entitled to the privileges of this free country—I claim for him the right to think, to speak, and to utter freely with conscience. Gentlemen, in this district—this wild mountain, and poor, unprovided district—as has been told you, the people are mainly an Irish-speaking population, and there is no person resident in the district in the rank of any one educated, or having the position of a gentleman, except, I presume, the dispensary doctor or the clergy. I regret to say that in Mayo, and Clare, and Galway, the resident gentry are disappearing. In Mayo there are more ruins of castles than houses inhabited by resident gentry, and society in the counties I have mentioned is, in many places that I know, becoming limited to this class of persons, spread over an immense district, and separated from one another—namely, the priest, the rector, the dispensary doctor, and the agent. In this case the agent is represented by Mr. Proudfoot. That is what society is coming down to in the west, and I bitterly lament it. If there were a resident proprietary in Mayo it would be impossible that a case like this could ever be brought into court. This estate had been the property of the old family of the Gildeas, and with all the faults of the old Irish gentry, they were not cruel or oppressors of their tenantry. They were never guilty of the grievous injustice, proved to demonstration in the present case, of serving on the 2nd of November a civil bill ejectment for non-payment of rent due on the 1st day of the same November. There was upon them a moral obligation to act as gentlemen, as Christians, in society. If any man acted so in the management of his property, who would associate with him ? The tenantry loved their old landlords, for the landlords, on the whole,

treated them well and fairly, and allowed them, to a great extent, to manage the land as they pleased. Mr. Brett, in his report to the company in 1866, said: "The present rental is £955, and the outlay which I would recommend would increase the rental to at least £1,500 or £1,600 per annum." Hear that, ye Partry tenants! before you are to be sold by the land-jobbing company your rental will be increased. As regards the squaring of farms and the division of the common, there might be differences of opinion. Of course a land surveyor would like to see the estate squared. This estate was at one time one bleak and barren mountain. At the time of the Down Survey the rental of the Partry estate was probably not worth £40 a-year, and the people who remained upon it built houses, and increased the value of the land, and had enabled that which was a barren mountain to support 110 families, or 650 human beings. This had all been accomplished by the Rundale system, by which, when the land was almost in common between them, any man taking a little, fertile spot or a little, sheltered spot, only two or three perches in extent, would fence it in, clear away the furze, and labor it, and have a little garden of his own, for which, in time, he would pay the rent. If the estate had been laid out in stripes in the first instance, it would have been impossible for the estate to have been reclaimed or increased in value. With reference to the case of James Philbin, junior, which he (Mr. Heron) had designated as a year and a half in the history of the life of an Irish tenant, that man had a tenancy from year to year of his property, however small, from which he could not be evicted without notice to quit and ejectment. Mr. M'Cullagh had represented himself to be ignorant of the management of this property, but he could not assume that ignorance now after the documents that had been proved. Mr. M'Cullagh had signed every one of those memoranda of agreement, by which the tenants ceased to be tenants from year to year, and became caretakers, to be put out by a magistrate at a week's notice. Never in the landed history of this country did he hear of such a thing. There were some portions of Ireland where that could not be done. Did they believe that in Down or Armagh, on Lord Downshire's, or Lord Gosford's, or Lord Lurgan's, or Lord Londonderry's property, or on any of the northern estates where tenant right was existing, that the tenantry could be got to sign such an agreement, or that the whole tenantry of a vast district could be got to sign an agreement to hold the land as caretakers? The plantation of Ulster had been abused of late. He must say, with all its faults, he was glad it had planted men in the north of Ireland who bought for themselves and their descendants principles of liberty and independence that would, in those districts he had mentioned, compel them to die in the burning fragments of their houses before putting their names to an agreement such as that got up by Andrew M'Cullagh. Counsel then read the second agreement, and said that, under the direction of his lordship, he would tell the

jury that those transactions were wholly illegal. As long as a man paid his rent no agreement to hold as a caretaker could stand for a moment in a court of law, and if they had prosecuted him before the magistrates or brought an ejectment as caretaker, and if it were possible to find a magistrate or a chairman to give a decree for possession, the man being tenant paying his rent——

The Chief Justice—They might do it before he did that.

Mr. Heron said they might ; but if it was brought against a tenant paying rent, the agreement would not be worth a straw. That was the principle of notice to quit *in terrorem*—the agreement certain *in terrorem* that was introduced the previous day. When they read that, could any one say that the letter of Father Lavelle—describing the terror in which the tenants were—the hangdog look of the men going about the demesne—the look of agony in their faces—was a libel? He did not wonder at it. By signing these documents, they left themselves completely at the mercy of the new landlord, and anything they could do was in vain. All, all was gone. Everything that was dear to a people—their land, their life, and property—everything that made life dear to a man, were at the mercy of—whom? A man whose name he had scarcely mentioned yet, Mr. Proudfoot, the witness examined the previous day. He (counsel) never heard of him before these trials ; he wondered where they got him. He had looked in Thom's Directory and could not find his name there (a laugh), so that he wondered where they got him. He would introduce no personality in this case ; but if Mr. Proudfoot were the plaintiff, he confessed he would like to cross-examine him as to who he was. He had a queer look in his eye, and if he were pressed, he was sure that man could tell a whole story. (Renewed laughter.) He was the king of Partry at £30 a-year, and yet said that the company were mulcting him—that what Mr. M'Culloch held was not worth £5 a-year. Why, 300 acres of land at £30 a-year must be very bad, indeed, if it was not worth that—this land that was described as being so luxuriant as to give grass to double the number of cattle that could be put on it. Why, this mountain of Derassa, if the witnesses were correct, must, indeed, be a mine of wealth in the country.

Mr. Heron said he claimed for his client, in the name of Milton, the liberty to think, to believe, to speak or utter, according to conscience. It was not his duty to try and prove, and he submitted he would prove, that these letters did not violate any rule of law, and that in these letters, fairly and fully considered according to facts, Father Lavelle had written what he believed to be the truth, and what no jury could ever find to be a libel, or beyond the ordinary rule of fair comment of a public proceeding. He would not read any quotations from the judgments or charges of other judges. He would be content with the law as it would be laid down by the Lord Chief

Justice of Ireland. The first transaction referred to in the letters was in reference to the distraining of Philip Henaghan's cow. The cow was distrained—that was true. It was distrained on St. Stephen's Day, so that preparations must have been actually going on at Christmas times. The bailiff, in his return, gave an inventory of the seizure of a cow for £3 9s. 6d., a year's rent; and Father Lavelle wrote his letter on St. Stephen's Day. Henaghan then offered half a year's rent, and, he believed, offered to quit the place altogether. Let the jury remember all these tenants were people steeped to their lips in poverty, maintaining a precarious existence on the bleak side of a mountain, part of which they reclaimed and made arable land. He offered to leave his place, which he had made habitable, to the company, and go to America; but the distress was kept on his cow. Some quibbling had gone on the previous day, as to whether or not the cow was removed. He cared not whether it was removed or not—she was left in charge of the bailiff at the house at a cost of 5s. The plaint in this case had been most artfully framed. From the mass of printed letters they collected four or five isolated passages, and that part in reference to Henaghan's cow was left untouched as not being part of the case. It was the veracity of Father Lavelle's letters, and the right of Major Knox to publish, that were seized upon. He would like to know on what old Irish estate was that ever done? Was it ever done on any estate but that of a jobbing land company? He wished that when these documents were made known to the public—and he hoped the press would make them known—and all the facts were made public, some measure would be introduced into parliament to make it impossible for a company of this description to own an acre of land in this country. The first part of the libel was that the tenants were deprived of the outlet for their cattle and their chief means of support. This mountain, which was a common, was on the demesne lands of Derassa, and adjoined the townland of Shrah. When the company took this estate, there were thirteen families in Derassa and eighteen at Shrah. In this he had the company in an amusing dilemma. Mr. M'Cullagh's excuse for sending down the cattle was to improve the stock of the country, but the case attempted that day was that the Shrah tenants had no right to graze on the mountain. He would produce tenant after tenant to show that they grazed on it for the last fifty years, under the Gildeas, the Court of Chancery, and other landlords, and their right was never interrupted. It was said that there was abundant grass to feed double the number of cattle the tenants were able to put on it. If that were so why were the Shrah tenants excluded? The Shrah tenants living on these miserable lands were bound to give up the privilege of having pasturage for a cow or sheep, and were to be content with this miserable bit of land, where, as every one knew, on a mountain farm it was essential to the existence of a family to have a common to graze a cow upon. But the case there to-day was that they were to be

excluded from a right they had for fifty years. They heard what slipped from Comisky on that subject. He (counsel) asked him in plain language—and although some of those Irish speaking witnesses might not wish to speak English, they knew every word that was said—did he know Mr. M'Cullagh's part of the mountain, and he said he did, and that he kept all cattle except M'Cullagh's off M'Cullagh's part of the mountain. His son denied this, but he cared not which of the witnesses they believed. It was sworn that there was more grass there than the tenants could get cattle to eat. If there was more than an abundance of grass for the Derrama people and Mr. M'Cullagh's cattle, why, in the name of common sense, should the Shraah townland be excluded from the common? He put that to his learned friend who was to reply, but he was sure he could not reply to it. Why should this common exist? Because farms of this description could not exist without it. The right of commonage was given by landlords for the enjoyment of property, and that existed as long as there was a house in Shraah, and was not to be destroyed by the evidence of the two Comiskys. They had not yet discovered who was responsible for these three documents given in evidence. Mr. M'Cullagh allowed them to make use of his name in a most unwarrantable manner, but in this transaction of putting the cattle on the mountain he told Mr. M'Cullagh he acted illegally. The right of the Shraah tenants was disputed, the rights of the Derrama tenants were set up by the company, and they, it was said, from time immemorial grazed on this mountain. He held that that right of grazing was incidental to this poor land, for which the tenants paid rent and taxes, and he could tell the chairman of the company that he was a trespasser, when, against the right of the tenant, he put his cattle on the land. I asked Mr. M'Cullagh was possession demanded? No. Were the cattle driven on without notice to the people? Yes. I will bring before you, gentlemen, tenant after tenant whose cattle and sheep were driven off the mountain by Comisky—tenants whose cattle were impounded. I will prove my own case by showing the system of persecution by which these people were driven off the mountain. Mr. Brett, in his report, made a very remarkable statement. He said that "in dividing the pasture land he proposed to allocate to the tenants a quantity in proportion to their holdings of arable. This will allow a large extent to be reserved to the company for other purposes—say about 500 acres of Irish pasture land, which may be let to tenants or outsiders." That is the land on the top of Derrama mountain, which was to be taken from the tenants, and taking 500 acres off Derrama deprived the people of Shraah of the right of grazing on this mountain. Mr. Brett says the rental is ultimately to be raised to £1,600 a year. That is the second point in the indictment against the company, not against M'Cullagh. What is the third matter? Mr. Brett, who is an Irishman, and has a heart in his breast, admitted the distress which prevailed in Partry. And in what part of the world has not that distress been

famous? Has not money come from America, from India, from Australia, and aye, from New Zealand, to relieve the starving Irish in the west, and to pay rent to landlords such as this company? Is not a large portion of the rents paid by subscriptions from foreign countries, while the Irish are starving at home? Mr. Brett admitted all the distress. What is the next passage in Father Lavelle's letter. He says the spring was severe? As the parish priest of this miserable district, he was accustomed to see misery, but he was not yet callous to misery. "The spring and summer of 1867 were very trying to tenants on this mountain, so trying that he had to procure meal for them on credit in Castlebar. Thus the May rent happened not to be paid until November, and thus on the 1st November a year's rent fell due." What follows? Is it true there was distress? Is it true that Father Lavelle pledged his credit and got meal for the poor people? Yet Proudfoot uttered against Father Lavelle the atrocious libel that the distress was fictitious—that the subscriptions for the suffering people were uncalled for—that it was all concoction on the part of Father Lavelle to get money, which he improperly applied. That libel was certified by Mr. Justice Fitzgerald to be wilful and malicious. In the annals of persecution I never knew anything worse than this! All who know the west of Ireland, know that during a trying season the people and the cattle are almost starving. Yet, in this state of things, what is the course adopted towards them? A year's rent falls due on the 1st November, and I ask was it ever before proved in a court of justice, that before the rent was demanded a process is prepared, and given to the process-server on the morning after the day when the rent could be legally demanded? On the morning of the 2nd the process-server serves the tenants of this company with a civil bill of ejectment for non-payment of rent. And this is the company who are to regulate Ireland and give fixity of tenure to the wretched Irish serfs of Partry. Is it true? They cannot shuffle out of that part of the case. Here are the documents—the civil bill processes wickedly, maliciously, and cruelly issued by Proudfoot, to whom this company have delegated all the fearful powers of the landlord. Though Mr. M'Cullagh is not personally to blame, yet he allowed his name to be used by an unscrupulous and wicked servant. He says the man did his duty, and he is responsible for the consequences. What was the object of serving the civil bill ejectment except to harass the tenants, and compel them to pay the costs, which they have paid? What was the object but vexation? What was the object but the exercise of pure tyranny? This man Proudfoot, who lives in the old family mansion of the Gildeas, took on himself the position of lord and master of these wretched people. He, out of pure malice, pure wickedness, and pure wantonness, issued a process on the 2nd of November for rent due on the 1st November. That was oppression unparalleled in the history of Irish landlordism, and never before attempted to be proved in a court of justice. Yet that transaction is not directly disapproved

of by the board. The next transaction is one that Mr. M'Cullagh admitted his entire and thorough disapprobation of, and the moment he heard of it he desired it should be stopped. You see, gentlemen, the wretched rental of this estate, the small sums paid by the tenants, every penny of which was screwed from an impoverished and wretched tenantry. The rent is scarcely due when they are compelled by Proudfoot to give their I O Us or promissory note, including four pence in the pound as a penalty on them for not paying their rent to the day, and that is to be exacted if they do not pay the promissory note at maturity. These documents are not produced. I have called for them in vain. Some agents are listening to me. Was such a system ever before herd of on any estate as that on the 2nd November they took a bill from the tenants for rent due on the 1st, and charged them 4d. in the pound penalty? Was it right or not to apply to this system of usury the term of exacting the pound of flesh? If a justification were pleaded, I have established it on the plaintiff's case. The assertion is literally true. What is the next topic? A system of striping was introduced. Some years ago the whole estate was striped by Mr. Stanhope Kenny, of Ballinrobe. Possession was then demanded and refused. Mr. M'Cullagh admitted he signed the notices to quit, with the consequent demand for possession last November. The rents were raised, and, it would be proved, were raised far above the valuation. Mr. Brett's valuation was taken from 1843, the most prosperous year that Ireland ever saw. It was before the famine, and before the periodic failure of the potato crop which afflicted the country. At that time the population of the country was nine millions, which had since sunk down to six millions. Two millions of the people had since emigrated or died at home. Mr. Brett took the old valuation of 1843, but the valuation should be taken since the Act of 1852, and it showed the rents had been increased from 30 to 100 per cent. Mr. Brett seems to think that is very little, but it is a great deal to these poor tenants. It is said that the people because of this are bordering on a state of distraction. Yet that statement is said to be a libel. It is perfectly plain that the tenants of Derassa were entitled to the common of that mountain, and they had no right to be disturbed without some formal notice to quit. The letter containing that statement appeared in the *Irish Times* of the 4th January. Mr. M'Cullagh in the meantime called on Major Knox to complain. Major Knox receives him as one gentleman should receive another. Major Knox tells him it is a public matter, but that if he will authorize his secretary or officer to write a letter to the *Irish Times* explaining the whole matter it will be inserted, and also a leading article. Accordingly, on the 11th of January Mr. Proudfoot's letter appears in the *Irish Times*. I must say in the whole affair Major Knox has been most unfairly used. This is a quarrel which, if between anyone, is between Mr. M'Cullagh and Father Lavelle. Major Knox most fairly opened the columns of his journal to both one and the other. It

was a matter of public interest in which the public were deeply concerned. The *Irish Times*, in a spirit of fair play, inserted the statement of the company's agent. Proudfoot, not content with going into details of his management of the estate, made the most ill-founded attack on the Rev. Mr. Lavelle, for which he brought his action, and that libel was certified to be wilful and malicious. The leading article published in the *Irish Times* spoke highly of Mr. M'Cullagh personally, as one who would be the last to sanction even the appearance of harshness. (Reads the comments which appeared in the *Irish Times*.) The Rev. Mr. Lavelle replied to the letter of Proudfoot, who had used bitter and insulting language towards him, and they had heard that letter. It had been stated that if the matter had ended with the first letter this most ill-advised action would not have been brought. What was the fact with reference to the count concerning the second letter? The writer said: "In the meantime I repeat every single statement contained in my letter as to the management of the estate. The tenants have been, without even the form of law, deprived of their mountain outlet. Their rents have been raised on several townlands, 30, 35, 50, and 60 per cent. over Griffith's valuation, and their pasture taken to feed Mr. M'Cullagh's flock." There was concentrated in one sentence almost every cause of complaint against the *Irish Times*. He told them that the tenants had no right to be deprived of their common. Mr. M'Cullagh's cattle and sheep were feeding on the property of the tenants, for it was their property until deprived of it by form of law. He had proved by Mr. Brett, that in one townland the rent was raised 100 per cent. over Griffith's valuation. Was this a fair comment, and was it a fair criticism upon matters stated by the parties bringing the action to be of public importance, vital importance, and everything almost, in a word, to the people of Ireland? He hoped they would remember that these were comments upon the conduct of the company in the management of their estate. Against Mr. M'Cullagh's personal conduct, his position as a gentleman and as a merchant, he said nothing, and Major Knox was incapable of saying anything either. But as regarded his conduct as connected with the management of the Partry estate, he was responsible for the acts of Proudfoot. The great majority of these acts he firmly believed Mr. M'Cullagh to be perfectly ignorant of, but he was in this position, having intrusted the management of a great property to a person like Proudfoot, who was only getting a salary of £60 and a commission. He should say in the management of this estate the company showed very little sense. They all knew that in Clare and the west of Ireland there were land agents very well known, having great offices, great control over the tenants, great knowledge of human nature, and who knew thoroughly how to manage the poor tenants—who collected the rents, having consideration for a bad year—giving time and advising even the advance of money, and not doing as had been done here, screwing the last shilling out of the poor tenants, and never being in a

position to advance money, and paying labor with meal. Was that, he asked, the way Ireland was to be regenerated? Another topic he would notice here was, and which he would prove if material, that Linskey was the under-surveyor of Brett. He ridiculed the idea of Linskey suing the tenants for striping the lands. He said that these, your Irish-speaking tenants, paying £1 10s., £1 12s., or £1 17s. 9d. a-year, not one of them knowing the number of acres in their possession, were so curious about their holdings, that they actually employed a surveyor to map out their own estate. (Laughter.) Linskey sued them for work and labor done, but the chairman dismissed the matter on the merits, so there was an end to the attempt of suing these unfortunate people for striping, for which the company was liable, and for which he had, no doubt, been paid by Brett. In all these transactions he should say Mr. Brett had acted with the greatest kindness, and he had, no doubt, regretted, and would regret for the rest of his life, that these unfortunate tenants built and improved on his promise. Now, was the second letter a libel? This was not like an ordinary plaint. It was the only plaint he had ever seen signed by three counsel. Three were employed to draw it—one for Mr. Proudfoot, one for the company, and one for Mr. M'Cullagh. He did not know which of them assumed the character of counsel for Proudfoot, for principally this action had been brought as a set-off for the action of Mr. Lavelle against the company, through Mr. Proudfoot, at the Galway assizes, where they were beaten. They now came to the third letter, which said: "The company had, for awhile, my very best wishes. I was delighted with its programme of helping on the tenants to a position of comparative independence—in fact, of converting their tenure at will into a fee farm. But when I saw the means adopted towards the attainment of this end, a system of fleecing in the shape of unnecessary and even illegal law costs, of fines and penalties, and in increased rack-rents, of the seizure of people's grass without form of law, or leave, or compensation, of the like seizure of their turf banks, with a contemptuous disregard for their personal feelings, I felt I would be false to my trust were I to cover those excesses with the mantle of my silence." If these were the good intentions of the company, they all knew a place, the pavement of which consisted of good intentions, and where they could get the good intentions of Mr. Proudfoot *ad libitum*. "The law gives the unhappy tenants no protection." He repeated those grave words. The law gave, according to its own form, redress for personal injury; but it was the law of the land that this system of tenancy from year to year might be made an engine of the most cruel oppression; no protection being thus given, the whole side of a country might be cleared, as had been the case before. But it was because the law did not give this actual protection that the right to speak and write according to conscience was given by the English law. When they took its burthen, they also received its benefits—to write and speak of these things—that

a man in the darkness and obscurity of Partry, who might be guilty of these crimes against society, might be brought there before the bar of public opinion, and that that land-jobbing company might be compelled by the voice of society to do its duty to its tenants. It was not morally, though it might be by law the absolute right of landlords to increase the rents to a sum the tenants were not able to pay. Were tenants to be made serfs and mere caretakers by signing those documents at the caprice of Mr. Proudfoot? In this matter Mr. Lavelle was right in speaking, from every principle of duty and of religion; and every principle which actuated a man to deal fairly with his fellow-man compelled him to speak. This was not as if the people lived in some public place, where their wrongs would be seen. They were Irish-speaking tenants, only three or four men on the whole estate being able to read or write, having no means of communicating their grievances, having no landlord to whom they could appeal, and at the mercy of this man Proudfoot. What did Mr. Lavelle do under these circumstances? He, through the columns of the public press, laid the wrongs of the Partry tenants before shareholders virtually the owners of the property, and told them their suffering and trouble, and the injustice done them, of civil bill ejectments brought on the 2nd November for rent due on the 1st of the same month, of the charge of 4d. in the pound levied for not paying up the rent, and generally of the system of petty tyranny and oppression practised by Proudfoot, and which could not have been practised by an Irish gentleman. He told that through the columns of the *Irish Times*, and told it truly. And were they, therefore, to give this company £1,000 damages, to be added to the property of the shareholders, because Major Knox, proprietor of the *Irish Times*, opened the columns of his newspaper fairly and fully to both sides, that they might be heard, and that the truth might ultimately come out. He went to the charge of raising the rents from 30 to 100 per cent. over Griffith's valuation. Counsel compared the former with the increased rents on some of the townlands, to show the excess of the latter over the government valuation. His learned friend said the previous day that the tenantry was a sort of model or prize tenantry, and spoke of the prosperity they enjoyed under the National Investment Company. They would see from some of them whether that was true. The last cause of complaint was one, as to which anyone having the slightest knowledge of land should find fault with the management of the property—namely, their interference with the rights of the tenantry cutting turf. To stop the people cutting turf was to deprive them almost of the right of existence, for it was one of the dampest, coldest, poorest districts in the world. When the tenantry drained a bog and had the dry bank, they were compelled to go to some fresh and wet bog to cut turf. This simply was cruelly wanted to be done—and by this system of petty interference it was sought to manage the country people, instead of allowing them to manage for themselves. This matter was repeated in the last letter.

The Chief Justice directed counsel's attention to one of the letters in reference to the woman Gibbons.

Mr. Heron continued—The woman Gibbons was served with notice to quit, as she owed a year's rent, and she sent £5 to Proudfoot by a man who would be produced; that was refused. To Proudfoot it seemed to be a trouble or a difficulty about taking money on account. Accordingly, with the rejection of the £5 a process was served for £6 6s. which was paid, with 10s. costs. Proudfoot had been cross examined as to this on Thursday, and he told them that it was true she paid 10s. but against that she received, 6s. worth of meal, so that the balance between the poor widow and the Land Investment Company was a sum of 4s. Enormous costs had been incurred between some of the tenants, the company, and the solicitors, some of which was paid by the company and some by the tenants. He did not know who had been advising those proceedings, but as the name of the respected solicitor of the company, Mr. Meldon, had been mentioned, he must say he believed that gentleman knew nothing whatever of those three documents he had read to them. IO Us were given, which he asked from Mr. Proudfoot, but these were either destroyed or had not yet come up from the office. Although the surveyor Linskey processed other tenants to the sessions, it appeared she (Mrs. Gibbons) had ultimately to pay him 6s. 6d. for surveying. The parable of Nathan had been alluded to, but really he would not dwell upon it. It reminded him of the poor man's lamb and the stranger's feast. There was one allusion to which he should refer—namely, "Amen, the man who hath done those things is a child of death." Serjeant Dowse said they knew what the Irish tenantry were. They knew that they were excitable, and that this appeared in the *Irish Times*, in order to have it circulated among the tenants of Partry, so that there might be some incentive to get rid of Proudfoot in some unlawful manner. Now, he believed that in the whole district there was not a single man could read the *Irish Times* except Father Lavelle. He ventured to say that, celebrated as that great journal was all over Europe, Asia, Africa, and America, the inhabitants of Partry had no knowledge even of the name of the *Irish Times*, or of Major Knox—who was here defending their rights—till this trial. (Laughter.) Counsel read Father Lavelle's letter authorizing Major Knox to give his name, as author of the letters, to Mr. M'Cullagh. He asked was it right to proceed against a journal when a man boldly, honestly, and fearlessly came forward with his name to a document, and openly defied his opponent. No one but a company would bring an action against Major Knox under the circumstances, and ask a special jury of the county Dublin to give £1,000 damages for what Father Lavelle had done and admitted. He asked the jury to consider the question, was it a libel to have the simple truth honestly put in print for the purpose of aiding the redress of those unfortunate people? Mr. Heron then read a letter from Major Knox, in reply to a communication from Mr. Oldham, the attorney

for the plaintiff ; and said that when in a public journal writings appeared—when the authorship was avowed—when the name was given—when the manuscript was ready to be given up—if a legal battle was to take place, it ought to take place directly between the two parties, and Major Knox, the proprietor of the newspaper, ought not to be made to intervene. One document in the case still remained to be read by him, and that was the document to which again he invited the attention of the public, and it was the document headed, “The Tenants’ Proposal.” One hundred and five of those “tenants’ proposals” had been produced by the company, and were now given by him in evidence. There were about an equal number of the second document ; that was the caretaker’s document. He would like to know who had drawn up this first document. It was not to be found in any of the ordinary books on conveyancing. It was a curiosity. Counsel then read the document to which James Philbin, junior, had, as he said, put his “criss-cross”—a man who only spoke Irish ; and they should remember that Mr. Proudfoot, who was to explain the document to the man, only spoke English. He would like to see Mulready, or some great painter, painting a picture of Philbin putting his mark to the document, and the agent of the estate being the witness to it—(“witness present, J. P. Proudfoot”)—and this at the side of the miserable cabin near Partry, where that wretched man, James Philbin, junior, lived. Philbin’s rent had been £1 19s., and he signed this document for £3 16s. 10d., a rent which Mr. M’Cullagh did not know to be due, and which Mr. Proudfoot said the man was not yet under. This was all done by a company who had bought the property to sell it, and who wanted to get up the rental. This proposal, which was not binding on the company, specified that the tenant was to pay the usual taxes between landlord and tenant. Part of the plaintiff’s case was that the company were to pay the taxes, but on that printed agreement the tenants were to pay the usual taxes, and it was proved that some of the taxes were paid by the tenants. They were not to house any cattle or fowl whatever under the penalty of £10. That might be a very good provision in some parts of the country. In Switzerland, where they understood their own affairs, and were at liberty to manage them, they kept cattle in the houses, and in other parts of the world they did the same, and on a cold winter’s night he could not see why a tenant, if he should bring his heifer into a house, on the side of a mountain, was to be fined in £10, to be recovered by distress. This proposal also stated the tenants should not sell or dispose of the hay which was grown on their lands ; and another part of the agreement was that, “I shall not, nor will not, take more than one white crop off said lands without following same with a green crop of some kind or description, and shall put in not less than 50 barrels of lime once in every three years,” and it was also provided that they should not permit lodgers in their houses under the penalty of £10. Now, if a lodger happened to be passing that way, how much did they

think he would pay? Why the most of it would be a penny for a night—(laughter) and if he was a poor man he would be taken in for the love of God. This company with a capital of a million sterling made the covenant with the poor tenants that for every hen that entered their doors they were to be fined £10. (Laughter.) By what possibility, he would ask, were the hens and chickens to be kept from the kitchen during the months of March or April, and be expected to live during the spring? His (Mr. Heron's) case was this, that the tenants' proposals could only be made a contract with the company by the payment of rent, and that they were avoiding the payment. Had the parish priest a right to speak about those things? Had the public press a right to notice those things? Was this the way that property was to be managed in Ireland? Was this to be the model system to be introduced and gradually to extend? He would ask the jury by their verdict to say no, and he would ask them by their verdict to say that whatever had been written or spoken of the proceedings of this company, every single word had been justified by the proof before them. He would again repeat that this was no libel against Mr. Andrew M'Cullagh, and it never was intended so to be. It was a severe but just criticism of the conduct of the company. That was the meaning of the plea. The learned gentleman then quoted the opinion of Lord Chief Justice Cockburn with reference to the law of libel, and continued—Who shall say that the duty of this company to their tenants is not a public duty? Who shall say, even in these two days' trial in this public court of justice, that right has not been to some extent done to these people? Who shall say that Mr. M'Cullagh himself will not, after this trial, be inclined more shrewdly, more critically, more severely to criticize the conduct of Mr. Proudfoot, many of whose transactions have now for the first time been brought to the notice of Mr. M'Cullagh himself? The object of this is to bring into the light of day those matters which have been done in the dark at Partry; and the object is a just one, provided that Major Knox has not transcended the rule of fair and honest criticism upon the conduct of public transactions. I ask, before I conclude, is this increased rent to be enforced, or was it to be enforced? I ask, before I conclude, this being the only estate ever obtained by this company for the purpose of management—is this the plan by which they are to regenerate Ireland, and give the Irish tenants fixity of tenure? I ask them if this increased rent is to be exacted? When they come into court they say it is not to be exacted, and although these documents are signed early in February of this year, yet the ridiculous story is now told to you by the agent Proudfoot to avoid the consequences of this action—the ridiculous and false story, because it cannot by any possibility be true, is that, although 105 tenants signed the agreement from year to year for increased rent, yet that it is all a sham, and, although it could be forced upon the tenant, it need not be accepted by the company, and the old rent is still to be put on them. I said this was a

matter of public interest. I said this was a matter affecting the liberty of the press, and my client, and my sole client is my friend Major Knox. But I feel that in asking you for your verdict for him, I ask for a verdict which reacts upon a wider sphere and enters into a more enlarged horizon, as it were, than any discussion affecting the mere liberty of the press, which now, in England or Ireland, under the judges of the land who preside either in the Queen's Bench at Westminster, or the Four Courts in Dublin, the liberty of the press is perfectly secure. I regret to say as yet the liberty of the Irish tenant is not equally secure. I speak not only for Major Knox, who is brought as the defendant into this court, but I speak on behalf of the humble parish priest, who, in that wild mountain district, was the only person to communicate to the public the wrongs of these poor tenants. I also feel I have a right to speak on behalf of these poor people who have been brought for the first time in their lives to Dublin as witnesses in a court of justice, who, as Irish-speaking witnesses, scarcely understand what I now say, but who know, with that love of justice, and that appreciation of justice, which the Irish nation has always had, and which Sir John Davies admitted many years ago—who know at this moment that their case is being tried by the Lord Chief Justice of Ireland, and they, in their hearts, know and believe from him they will get justice. Your verdict, gentlemen, affects great interests. Your verdict may decide for them whether they are to remain at a fair rent all the year round on that old mountain, where their fathers were before them, or whether they, facing the horrors of the emigrant ship, are to join that band of exiles in America—who are there with rancor in their hearts, with but one thought about that country from which it is possible they were exiled under similar circumstances to those which were detailed before you in this case. No man is more dangerous than an exile; but the policy of some Irish landlords, and the management of some Irish estates, has largely increased the number of dangerous exiles abroad. I therefore ask you, gentlemen, when I apply to you for your verdict, to say that this is a just criticism on the conduct of a public man. I am entitled to appeal to you on behalf of the humble parish priest and his parishioners in this court. Yes, gentlemen—is this to go on? Are the exiles to increase in number and in hatred against the government which they believe sent them from this country. The only danger I see to the great country of which we form a part, is that small cloud, now no bigger than a man's hand, rising on the western horizon, that yet may turn into a thunder-cloud overshadowing the firmament. Is this such management of Irish land as is calculated to remove the skeleton of the house of English prosperity? This system has been exposed in this case. You are the judges whether wright or wrong. I appeal to you for your verdict on behalf of the liberty of the press in this case, which, I venture to say, is exciting more attention in the public mind than any case

ever tried before you in Ireland. I appeal to you for the liberty of the press, and ask for your verdict for Major Knox. Your verdict will be remembered for a long day when you find for the defendant; and that verdict will not be less acceptable to your own consciences and the country when you know and believe that that verdict affects not merely the defendant, but that when the news of that verdict reaches that wild mountain district where these unfortunate people live—that as the mother teaches the child to pray for its daily bread in every wild mountain home in that western district, your verdict will have saved families from destruction—you will have the satisfaction of knowing that the people there on their knees will pray to Almighty God for blessings on you and yours.

At the close of Mr. Heron's magnificent address, delivered with consummate ability, there was unanimous applause in the court, continued until the officer of the court interfered. Probably one of the most interesting features of this exciting trial was the anxiety of the Irish-speaking witnesses to catch the nature of all that was going on from the tone and action of the speakers.

The Rev. Patrick Lavelle, P.P., sworn and examined by Mr. Falkiner, Q.C.—I am parish priest of Partry, extending over the entire of this estate; there are 500 families in the parish, and nearly 3,000 souls; the parish is 18 statute miles long, and my parishioners are the poorest class of people—the poorest of the Irish peasantry; I am connected with the parish upwards of eleven years; there are no resident gentry on the property; I don't mean to exclude Major Horsfall, who comes occasionally, and who is a very good landlord.

Mr. Falkiner, Q.C.—You stated in one of your letters that there was not such oppression practised on any other estate in Ireland, model Scully's, perhaps, excepted, and that the tenants were, without ceremony or form of law, deprived of the mountain outlet which they always enjoyed. Did you refer in that to Derassa? Yes; the right to which I referred there was the right of grazing on that outlet, which the tenants had long enjoyed.

Did you know as a matter of fact that that mountain of Derassa was grazed on as a matter of right? Yes, I did; for the last eleven years I have seen cattle on that mountain outlet belonging to the inhabitants of Derassa, Tournavode, and the village of Shrah; to my own knowledge they grazed their cattle on that mountain outlet as a matter of right.

When you speak of the village of Shrah, do you mean the townland of Shrah? Yes; there are 19 families on that townland; the people of Shrah had as much right to the grass on that mountain as the people of Derassa; there was no interference with their right until the time the company came into possession; Shrah was included in my parochial district, and was part of my cure; they had always a little stock of sheep and cattle on the mountain; to my knowledge every year, with the exception of one year, the people have been buying Indian meal for their sup-

port, failing the potato; not being the produce of the soil, they had to pay for it.

You stated that the village was in a cold, wild, mountainous district, yet that the outlet in question was seized on by the manager of the company and stocked with Welsh bullocks? Yes; I saw foreign bullocks on it, or Scotch bullocks: at all events they were not born in Mayo. (Laughter.)

You alleged that in consequence of their treatment the people were in a state bordering on distraction? I speak from personal knowledge; those poor people have been coming to me complaining of the hardships to which they were subjected, and one man, named Michael Henaghan, who had been obliged to leave his land, cried in my kitchen in consequence of being deprived of it.

Are these the same people who were described as contented? The same people; I never witnessed such discontent.

The Chief Justice—What has become of Henaghan, who cried for being dispossessed? He is living with a daughter on another property; Philip Henaghan, whose cow was distrained, told me he would emigrate in consequence of the treatment he received; as a matter of fact, five or six families have emigrated from the estate. [The Rev. Mr. Lavelle mentioned the names of several persons who fled the estate and went to America.] James Henaghan sent home the other day £20 to his wife and two children; they emigrated since the company came into possession; two other families left the estate, not to America, but they went to the county Galway; James Henaghan and Patrick Murray's son and daughter went to America; the daughter, when she went to Liverpool, had not enough to pay her passage, and I was obliged to send her over a balance of 30s., with a letter to the shipping company to take care of her; the shipping company gave her a second-class passage for steerage fare; I wrote one of my letters in consequence of what I heard from Philip Henaghan.

Mr. Butt objected to the evidence.

The Chief Justice received it, subject to the objection.

Witness to the Chief Justice—Before I wrote the letter I saw Philip Henaghan on St. Stephen's Day, about two o'clock; I knew him to be a tenant on the townland of Derassa for eleven years; it was on the statement he made to me that I wrote that portion of the letter; I believed it then to be true, and I believe it still to be true; the cattle sent in on the mountain outlet, as I stated in my letter, were the cattle of Mr. M'Cullagh; I saw sheep grazing on the Port Royal demense having on them the brand of A. M'C., which I took to mean Andrew M'Cullagh; John Leydon was then the tenant in occupation; he was evicted after the company came into possession, and he was travelling through the country for twelve months seeking shelter; the sheep grazing on the land formerly occupied by Leydon and now by Proudfoot were marked by M'Cullagh's brand.

Mr. Falkiner—It was stated that there were a very large number of Mr. Proudfoot's letters printed and circulated? Major

Horsfall showed me a newspaper in his drawingroom, containing the letter ; the Major said he did not know who sent it to him.

In your letter of the 18th January, which you wrote to Major Knox after Mr. Proudfoot's letter appeared, I come to the passage which, I daresay, you remember, "In the meantime I repeat every single statement contained in my letters as to the management of the estate. Tenants have been, without even form of law, deprived of their mountain outlet; their rents have been raised in several townlands to figures varying from 30 to 35, 50, and 60 per cent., in round numbers, over Griffith's valuation; while their pasture has been taken away to feed Mr. M'Cullagh's sheep." Now there are three statements in that. You heard stated yesterday, that there were processes, or ejectments, and notices to quit served on the tenants? Yes.

You refer in your letter to the same outlet at Derassa? Yes; all these statements I believe to be true; it appears I made one or two mistakes, partly against myself, and partly against the company, but I think, striking a balance, that is a very fair statement; I specified four townlands.

As a matter of fact, is it true that in more than one townland the rents were raised? Yes; I said from 30 to 60 per cent., but what has been proved to be 30 to 100 per cent.

Did you see a leading article favorable to the company in the *Irish Times* published on the 15th January? I read that article and was very much displeased with it.

And you wrote the letter of the 27th January after that (counsel read the letter)? Yes; when I read the article my first impulse was to take proceedings against the paper.

When you said unnecessary and illegal law costs, to what did you refer? Firstly, to the excessive payments for ejectments; secondly, the demand for surveyor's fees under threat of distraining the people's cattle; thirdly, the demand for I O Us on notices to quit, actually exacted in one case in the shape of money; fourthly, the demand for re-entrances, which were to be paid partly in money and partly in I O Us; and, fifthly, the demand for some other papers which I or the tenants knew nothing about; the people were telling me that they were called upon to sign certain papers which they knew nothing about, and to engage to pay certain money for signing the papers; I wrote that letter solely on the representations of these people, knowing them to be true, and being able to prove them; I have heard the claims made before the Ballinrobe court by the surveyor for fees.

You heard the evidence of 4d. in the pound being charged for the bill of exchange or promissory note? Yes; these were the matters to which I referred.

The increased rack rents that have been spoken of? Yes.

Chief Justice—I would like to know where you got Griffith's valuation? I got them from the Clerk of the Union at Ballinrobe and from the poor law books, accurately or inaccurately; I got the other column, as to the rents, from the tenants themselves.

Mr. Falkiner—Do you know anything with reference to the turf banks? Nothing personally, but what will be proved.

Did you know Mr. M'Cullagh to be the chairman of the company? Yes.

Did you know that when you wrote the letter? I did, for I saw the documents signed by him, and by the published report of Mr. Brett; I was introduced to Mr. M'Cullagh as chairman by Mr. Meldon in 1866; I wrote the fact stated with reference to the Widow Gibbons from the representation made to me by the man who lives with her, and believing it to be true.

Did you know the I O Us were executed by the landlord? Personally I had no knowledge; there are witnesses here who do know; I knew the I O Us were exacted. [Counsel continued to read from the letter to the shareholders: "Mr. M'Cullagh then need make no boast of paying a higher rent for Port Royal than anyone else could pay? Who else was allowed to compete? The tenants in possession even got no chance."]

Witness—There seems to have been some mistake on that subject; the farm to which I refer in that is Port Royal alone, and I understood Mr. M'Cullagh, in his letter published in the *Galway Indicator*, to refer to the same.

Did, in point of fact, a tenant get a chance? No. Never heard of it being offered to them; I believe Mr. M'Cullagh expended £400 on the farm and lodge. It is stated to be only £300, but I don't see how it could be done for that. Who is living there now? Mr. Proudfoot. At that time Mr. M'Cullagh was there. I think I am bound to explain a passage in the latter part of that letter, in which I quoted from David; I believe it was not strictly accurate, as I wrote it from memory; I meant by it not that Mr. M'Cullagh should be shot by any of the Partry tenants, but that he deserved the moral reprobation and censure of the public; I knew that not one of the tenants would see that paper; from my personal knowledge I am bound to say, that what are called the improvements effected in the way of fencing and draining, which have been made so much of here, very immaterially, indeed, affect the condition of the people; that the lands held by the people are not at all materially improved by the draining of which so much has been spoken; that I say from my personal knowledge; last winter I saw the place that has been principally drained more flooded than I have seen it for the last eleven years, and it continued so occasionally for the space of four months; on one occasion a priest who went to anoint a poor old man had to be carried through the water on the son's back.

His lordship—Would these people understand one of these proposals unless it was explained by one who understood Irish? No, my lord. There are only two on the property who could understand English, they are Matthias Conway and John Lydon.

To Mr. Falkiner—The spring of 1867 was the severest that I remember since I was a child; in consequence of the distress I got a large quantity of meal for the people, thanks to the people of Dublin, amongst others.

Mr. Falkiner—A statement was made here that seemed a little strange, that the people did not want the meal, and that they gave it to the pigs? I heard that statement also in Galway, and I made it my special duty to inquire of nearly every person in the parish who was relieved by me, and they denied it.

His lordship—Was there distress then? There was very dire distress in the spring and summer of 1867. I divided between £400 and £500 worth of meal amongst the people. I was £150 in debt before I applied for a penny; it was not all given to the tenants on this estate, but I relieved nearly every person on the estate, and they certainly required it more than the others; in the village of Kilkerrin no improvement has taken place through the company, and there has been a large rise in the rent; the rent has been raised on every tenant, and there has been no improvement to the extent of a farthing.

Mr. Nolan (juror)—If the stripings were made, was not that an improvement? The stripings were made there several years ago.

To his lordship—They were made by Mr. Stanhope Kenny, of Ballinrobe, who was formerly receiver; the villages of Kilkerrin, Shrah, and Derassa, have not been improved to the extent of a farthing; I mean by villages the townlands; the village of Cloonee has been partially but little improved.

Mr. Nolan (juror)—Do you mean the houses or lands? The lands.

The foreman—My lord, would it be judicious for the jury to go and see the property? (Laughter.)

His lordship—No; I think it would be rather too far this evening. (Laughter.) I think you must only take the evidence of the witnesses.

Cross-examined by Mr. Butt, Q.C.—In one of your letters you say, "The village is in a cold, mountainous district, where the people could not support themselves." What village do you mean—Derassa? I meant both Derassa and Shrah, but principally Derassa; I include Shrah because the tenants there grazed in common on the mountain; the people of Shrah complained to me of having been dispossessed of their pasture, and I believe that they were dispossessed of their right to the pasture.

Had they any pasture of their own? They had a wild, worthless mountain, and 200 or 300 acres of that was taken from them; when I speak of the people of Shrah being dispossessed of their pasture, I mean the pasture on Derassa.

Had Shrah any pasture of its own? They had; the pasture they had was of such a nature that sheep never could live on it, and, in consequence, from time immemorial they exercised the right of grazing the sheep on Derassa.

Then the mountain near themselves was perfectly worthless? Yes, perfectly worthless for sheep, and it would graze cattle very badly; I cannot swear whether they were actually prevented or not; I think they have not been actually prevented, but they are morally prevented, because they have been warned that they

will be prevented ; I believe what I stated in my letter is true, that, of the whole area of 912a. 3r. 8p. at a rough estimate 800 acres have been taken from them. I believe they were deprived of 700 or 800 acres ; the tillage land is such as is generally found in mountainous districts, and the pasture was and is utterly worthless.

Did you think it fair to accuse Mr. M'Cullagh of taking away from the tenants, as an act of extortion, 800 acres, without stating that it was utterly worthless ? It would be equally fair to state that the whole land was worthless ; I have described the whole place as being bleak and barren ; the tenants have now actually, but not morally, all the property they ever had ; if a landlord gives me a notice to quit out of a farm which I actually hold, it is true that I am in actual possession, but it is equally true to say that I am already in public estimation deprived of that ; the tenants of Cloonee told me that they had been deprived of their pasture.

Did you hear Mr. Heron say that this was no attack upon Mr. M'Cullagh at all ? I heard him say that there was no personal attack on the character of Mr. M'Cullagh, nor did I intend it as such ; I spoke of him always as a chairman—in his official character.

And you meant no personal attack on him ? Most certainly not.

If that be the case, Father Lavelle, why did you mention his name in the letters ? Because I found it at the foot of the documents. I saw Mr. M'Cullagh's name to several official documents.

Did you think it fair to say that that cow was imprisoned by Chairman M'Cullagh ? I did, and I do think it fair.

When you were giving that picture of the distraining of Henaghan, did you think it would excite indignation against the person that did it ? Against the person in his official capacity, I think it would.

Did you think it would be discreditable to Mr. M'Cullagh ? Officially most certainly, and as it ought to be (laughter), but not personally. The inference I intended to be drawn when I wrote that letter was, that he was responsible for the act simply.

Do you think this was a personal attack on Mr. M'Cullagh ? —“ As I am to address you more in detail as regards the increased rent, I shall now conclude with the expression of my belief that the cattle are the private property of the chairman, which are now feeding on the grass for which your tenants are now paying rent.” Did you think that a personal reflection ? To give a fair answer, yes ; as a personal reflection I think it was well merited. (Laughter). I meant by that statement that Mr. M'Cullagh appropriated to himself the pasture for which the tenants paid rent ; that Mr. M'Cullagh, chairman of the company, was lord paramount over the tenants, and commanded their obedience ; I call the taking of their grass robbery, and I believe it still to be robbery ; I knew at the time I wrote that letter that some of the

tenants had given up possession, and for the space of 18 months Mr. M'Cullagh was in illegal occupation of that land, because the tenants were not legally put off it.

Were the tenants put out of that land? They were—that will be proved to-morrow; I have been introduced to Mr. M'Cullagh, and I believe I dined with him; I had no personal dispute with him, but I had a dispute with Mr. Proudfoot.

What was that about? It was about some case at Ballinrobe courthouse, in which he acted a very indecent part, by putting out his tongue at me, and for which I arraigned him in the public court; I used the expression of "robber" towards him when addressing my people in chapel; but I never called Mr. M'Cullagh a robber personally; I called the company and Proudfoot robbers.

But did you ever call Mr. M'Cullagh a robber? Not personally, I think; but even if I did I don't think I would be very far wrong. (Laughter).

If you called him a robber it would not be very far wrong. Now, is that your opinion? Yes, in this sense. If I had a garden, and you went in and took my grass off, you would be a robber; but you would not do that, for you are too good a tenant-right man, Mr. Butt. (Laughter.) I begged of the people to give up peaceable possession, and I raised their hearts and hopes by telling them that, if not themselves, their children might yet be owners-in-fee of these farms. That was the programme issued by the company, but afterwards I saw clearly the company were only land-jobbers, and I took the course I did. It was the mode of treatment adopted by the company towards the tenants that turned me against the company. I represented the matter to Mr. M'Cullagh some time afterwards.

The Chief Justice—When you used the word robber to Mr. M'Cullagh, what did you refer to? It is in regard altogether to the robbery of the grass.

Mr. Butt--From the altar of the church did not you say that the company and Mr. Proudfoot were robbers? I did, but I don't believe I called anyone else robbers from the same place.

Did you call Naughton a robber? I did not.

Did you call him an evil spirit (laughter). I did not. I spoke in Irish of him, and I called him a "doolich." (A laugh.)

What's that? A clever, roguish, little fellow. (Great laughter.)

The tenants who went to America were tenants on the Partry estate; some of them were evicted by Lord Plunket about eight years ago; these were not original tenants on the Partry estate, but they were more original than the company; John Leydon was evicted by the company, turned out, and faith was broken with him.

You said a tenant was evicted from Port Royal? Yes, and it was by agreement, but no agreement by a tenant in that district with the company is voluntary. The tenants paid the rent for Derassa as well as M'Cullagh. I know the Douay version of the parable of Nathan, but I don't know your version. (Laughter). That is a Biblical statement, and not one reflecting on Mr.

M'Cullagh. Robberies referred to in my letter were in reference to robberies of the company. I was aware that Leydon, the evicted tenant, was only a year in possession.

To Alderman Tarpey (a juror)—The tenants are noticed that they will be deprived of some pasture they at present enjoy, and they have been actually deprived of some already.

Matthias Conway examined by Mr. Falkiner, Q.C. :

Are you one of the Derassa men? Yes.

How long have you been a tenant of Derassa? I always lived there, and my father was a tenant for about 39 years; I remember when the company came there.

You know Mr. Proudfoot? Yes.

Were you one of the men who were processed? Yes.

Do you remember your rent falling due in November, and going to pay it? Yes, I went to pay on the 2nd of November the May rent.

Was it taken from you? No, I met one of his men, Martin Henaghan, who told me he would not sit in the office to receive it till the Tuesday following, and we returned home; I was then served before Tuesday—on Monday.

You were processed in ejectment for a year's rent? Yes.

Did you give an I O U or a bill? Yes, I gave a bill with two others; we had not a year's rent, and the rent coming due on the 1st of November, we joined in a bill to pay it in three months.

What was the discount on that bill? Fourpence to the £1.

Did you pay that bill? I did not; he gave back the discount when we paid the rent.

When you gave the bill were you told you would get it back? No.

Had you to pay costs for that process? I had.

How much? 11s. 2d., and the day following after the costs his bailiff came for 3s. 6d. more, but I did not give it.

Was there any change attempted to be made with you about the mountain? There was; he struck out a line between us, some of which has been fenced since.

Did he say anything to you about that line? Mr. Proudfoot told us it was to separate us; I craved him for more of the mountain than we got for the sheep, but he refused me.

Was there any change that you know about to be made at the turf bank? He sent his bailiff to prevent me cutting the bog on the mountain, but I went to himself, and he gave me leave for that year.

Was the use you wanted to make for the sheep and the turf bog the same as you had always enjoyed? Yes.

Cross-examined by Mr. Butt, Q.C.—There was no other place pointed out to me to cut turf on; when I went to Proudfoot I asked his leave; he did not refuse, and I was never stopped since; John Naughton wanted to stop me; in the agreement I signed the extent of my farm was mentioned at 26½ acres; I used to pay £6 14s. 6d.

Was your rent raised? It was.

What is it now? £7 10s.

Have you the same quantity of land as you had before? I was better pleased the way I was before.

Have you as much land now as you had before? I can't tell.

What change was made in your holding when you made the agreement? I can't tell you.

A juror—Have you the same land as you had before? I have not.

Mr. Butt—I don't think he understands me.

The Chief Justice (facetiously)—Indeed I think he speaks English remarkably well. The only change he noticed was the change in the rent. (Laughter.)

Cross-examination continued—Before the change, during the Chancery times, the Shrah tenants sent their cattle to graze there, and no one ever turned them off; I never heard that the Derassa tenants made the Shrah tenants pay for having their cattle there; I have not made any changes in my house, and I never refused to give up possession; when I signed the agreement Mr. Proudfoot read it over to me, and said it was to give up possession to the company.

A juror (Alderman Tarpey)—Was it the same turf you were prevented cutting? Yes.

When the land was striped were lots cast? There was between me and some other parties, but not between me and my brother.

Pat Gibbons examined by Mr. Kaye, LL.D.—Do you know the Widow Gibbons? I do; I lodge with her; she lives on the townland of Windmill.

How long has she been tenant there? I don't know; I know her to be there for the last twelve years, but she was in it before I knew her.

Was there any change made in her land? Yes, it was striped.

Does she now pay a higher rent? Yes, her rent before was £6 17s. 6d.

What does she pay now? £8 5s.

Was she served with a process? She was; on the 17th February her son and daughter went off to America, and on the 18th Proudfoot sent to know about the land the Widow Gibbons had; he offered to give her fifteen perches and a house if she gave up possession, but I told him they would be no good, and that I would take care that her rent was paid; on the 24th I went to him with part of the rent, but he refused to take it, and said he would process her; I asked when the process would be issued; he said he did not know, but he would give the widow two days' notice; I returned to the widow and told her he would not take part of the rent without the whole; I then sold another of her fields to try and make up the rent; on the 2nd of March, 1868, Mr. Proudfoot sent the process without having sent a notice, and the quarter sessions at Ballinrobe were to take place on the 10th of the same

month ; when she got the process I went to Mr. Proudfoot's office ; Mr. Proudfoot asked me had I brought the costs with me ; I asked him how much they would be, and to the best of my belief he said the amount was 18s. 8d., but said he was not sure ; I said it was too much for the poor to pay. I went to Ballinrobe then, and saw Attorney Griffin, who told me that the costs were only 10s., and he told me to take the year's rent with the 10s. to Mr. Proudfoot, and if he would not take it to put it in my pocket. I then went home, and afterwards went to the office at Port Royal with a witness named Miles Varelly, and offered the rent with the 10s. costs. Mr. Proudfoot was not inclined to take the rent at first, and said there should be 8s. 8d. more ; I told him what Mr. Griffin said, but Mr. Proudfoot said he would process me if he did not get the balance of 8s. 8d. ; he took the 10s. ; will I be excused, my lord, if I make a remark to the court ?

His lordship—Will you be excused for what ?

When he got the rent Mr. Proudfoot said, "Well, Attorney Griffin is a damnable liar." I hope I will be excused, my lord.

His lordship—Oh ! sir, we hear much worse than that. (Laughter.)

Witness—I am only stating the truth ; I could not wrong my conscience ; I paid the rent, and got a receipt. In the course of a few days I met Mr. Proudfoot about a quarter of a mile from the lodge, and he asked me had the widow got the balance yet. He said he had written to his attorney, and that he told him the costs amounted to 18s. 8d. Afterwards one of the bailiffs came to me, and said that Mr. Proudfoot had sent him for the balance of the money. I said I did not think she had got it at present.

Was she asked to sign any agreement ? She was asked to sign some agreement to give up possession ; the agreement was sent to her by the process server, Henaghan.

His lordship—Does she speak English ? Yes, a little.

To Mr. Kaye—Henaghan brought the agreement to her, and read it ; she said she had no confidence in Mr. Proudfoot, because he had broken his word before to her ; she looked at me, and I said, "Do whatever you like ;" she objected to sign it, and the next day she got a notice to quit ; she was not very well at the time.

Has she the land still ? Well, she has not.

Who has it ? Andrew Lechan has one portion.

His lordship—Did the company take up the land ? I will explain that ; on the 16th January Mr. Proudfoot sent a notice to all the tenants that he wanted them at the office ; Andrew Lechan, Martin Henaghan, and I and the widow, met there ; Mr. Proudfoot told the widow that she had 17s. to pay him ; he said there was 5s. 6d. for the costs of a notice, and 11s. 6d. for possession money.

Was that for getting possession of the new stripe ? Yes ; I suppose it was for a fee ; he said he would not take a note for the money. "Well," said I, "you took Andrew Lechan's and Martin Henaghan's note for the money, and she is as good a mark

as they are, and I will pay for certain ;" he asked would I join her in a note, and I said I might have the money for him before many days, but I never joined in a note ; Linskey, who was there, said, "Well, Gibbons, have you 5s. 8d. or 5s. 11d. for me ;" I said, "You did nothing for me, and I will not pay you." "Well," said Mr. Proudfoot, "I got a letter from Mr. Brett, and the surveyor must be paid, and I will not give possession of the land until you pay that money and the 17s. ;" I don't know whether the amount was 5s. 8d. or 5s. 11d. ; he said, "You must give your note for it;" the surveyor drew the I O U, and her mark was put to it.

His lordship—Did he draw the note for the whole of the money? No, it was for the surveyor's money ; Mr. Proudfoot gave him pen and paper.

To Mr. Kaye—On Sunday, the 17th of January, I met Father Lavelle and told him all the particulars.

His lordship—We have not heard what became of the land? I have a little more to say yet ; I read Father Lavelle's letter in the *Irish Times*, in which was stated how Widow Gibbons was treated and the costs she was put to ; and, after that, Mr. Proudfoot sent notice by Naughton that he would take the land away from the Widow Gibbons and divide it among the rest of the tenants, and in a few days after he sent me a scrap of paper noticing her that the land would be taken.

Mr. Kaye—Has he been as good as his word? The land was divided.

His lordship—Was the land taken from her? It was all taken except the house and about fifteen perches.

How much was there of it? There were ten or eleven acres in the stripe ; four of the tenants got a surveyor, and each of them took a portion of the land.

Cross-examined by Mr. Johnston, Q.C.—I got the money with which to pay the rent to Mr. Proudfoot from Miles Varelly, but Varelly got value for it from the widow.

His lordship—After the service of an ejectment for non-payment of rent, the party accepts the rent with the costs—it is a waiver of ejectment, and how is the tenancy to terminate by that ejectment?

Mr. Johnston—We say the land was voluntarily surrendered. All these proceedings were instituted with the view of doing what was right.

To his lordship—I was acting for the widow in the payment of the rent.

After the payment of the rent and costs, and the meeting of the tenants at Mr. Proudfoot's, did the widow sign any paper, or did she refuse? She refused to do it.

His lordship—Unless there was another arrangement she is a legal tenant still, because the acceptance of the rent and costs puts an end to the ejectment. How would it be possible, if the tenancy is restored, to act upon that ejectment?

Mr. Butt said that the ejectment was brought for the November of 1867, and the widow summoned after that.

Witness—She did not sign any paper to my knowledge ; she never told me she did.

Mr. Johnston—Did Mr. Proudfoot offer to forgive the whole of the rent if she gave up the land, and he would give her a house and garden for nothing ? No ; he never did in my presence.

Is she not now living in the house and garden at 1s. a-year ? No ; she would not have it ; it was to be given her on condition she would give up the whole stripe ; she would not have it ; she paid another half-year's rent since that. [Receipt produced, dated October, 1868.]

His lordship—How do you get rid of that tenancy ?

Mr. Johnston—By this surrender.

His lordship—There is a legal tenancy subsisting in point of law, only to be got rid of by a written surrender, or by the operation of law.

Mr. Johnston—There is a year's rent due at this moment, and that is forgiven, and she has a house and land for herself.

His lordship (to witness)—When was the division of the land amongst the four persons ? It was in March or April ; the widow cannot read ; she speaks a little English.

To Mr. Johnston—She never told me that she had given up the land.

Mr. Butt then read the printed document dated 16th November, 1868, to which Bridget Gibbons had put her mark.

Witness—None of the widow's children are living with her ; they are gone to America ; there is an old sister—an old maid—living with her.

Mr. Johnston—How would a paralyzed widow cultivate and pay rent for eleven acres of land ? She is my aunt by matrimony, and she reared me when I was an orphan, and I am assisting in supporting her now ; I have lived with her for nine or ten years ; I was in the constabulary, and have a pension of £20.

His lordship—That accounts for your comfortable appearance.

Witness—If I had only one shilling I would give her half of it ; and I am the only means of support she has.

To Mr. Kaye—During the time I have been living with her I helped her in managing the farm, and will help her as long as I live ; only for me she would have been out of it long ago.

John Lally, an Irish-speaking witness, sworn and examined through Mr. Brett, who was sworn as an interpreter.

To Mr. Kaye—I am a tenant of Derassa, and my father was paying rent there for four or five years ; I remember when the company came.

Does he recollect after that seeing his father's sheep driven off Derassa mountain ? Yes, by a son of the herd, John Comisky.

Had he a dog ? Yes ; a dog with himself and another boy ; the sheep had been in the same place as they were when the company came ; a relation of his had the sheep there as well as

his father ; I cannot say precisely where they were when the boy drove them off ; he drove other sheep off as well ; I did not know where he was driving them to, but it appeared as if they were being driven towards the mearing ; I saw some of the sheep in the pound, and the pound keeper told me it was Comisky put them in pound ; I told the pound keeper I would issue a summons in order to ascertain by what right the pound keeper put them there, and shortly after the pound keeper let them out without being paid anything for them.

Cross-examined by Mr. Butt, Q.C.—The pound keeper said I might take out the sheep until he ascertained what I was to pay ; one of the sheep in the pound belonged to me : there were other sheep there besides ; my father was tenant, and paid Proudfoot rent ; Anthony Lally and my father's name used to be in the receipt ; Anthony Lally lived at Derassa ; my father was living on the land of the late Lord Plunket, but I cannot say how long ago.

Did his sheep graze afterwards on the mountain ? Yes ; I did not see them put off, but I was afraid of putting them there lest they should go astray or be impounded.

Anthony Sheridan sworn, and examined by Mr. Kaye, through an interpreter—I am a tenant of the company ; I have been on the townland since I was born, and my father and my grandfather.

Was he served with an ejectment process ? Yes, in or about Patrick's Day ; I have no learning, and I cannot say precisely whether it was this year or last year.

Does he recollect the time when the company came ? He has a right to recollect, for when they came the land was striped and lots cast ; Proudfoot put witness on the worst stripe ; he first gave him a good stripe, and then took him off it : witness was afraid of him not to give it up, lest he would be served with an ejectment.

The Chief Justice—Did the tenants of Shrah graze that mountain ? They used to send their sheep on the mountain of Derassa, they were not allowed to cut the turf in some places they used to cut originally.

To a juror—There was a little bog attached to some of the stripes.

Had the tenants of Derassa a right to the mountain to graze it ? The people of Derassa had the right to put cattle on it, and the people of Shrah used to send sheep there every day.

To Alderman Tarpey—They would put them there still if they got leave ; I, unfortunately, have no sheep now to send on it, and the tenants who have are afraid to do so.

Cross-examined by Mr. Johnston, Q.C.—Did the tenants of Shrah give compensation to the tenants of Derassa for allowing sheep to be put on it ? No, but there was some arrangement between them.

Pat Gibbons (an Irish-speaking witness) examined by Mr. Falkiner, Q.C.—I am living on Shrah for years, and my father and grandfather before me ; I have a right to remember the company coming.

Was a change made after that in the use the Shrah tenants had of the mountain? A change was made after the company came; my sheep were turned off it.

Was there any trespass money demanded? There was.

Were the sheep put in pound? Yes, and trespass charged for them; a change was also made in the use of the turf bog, and Proudfoot said, "There is the drain, and you shall not go beyond that."

Alderman Tarpey (a juror)—That was his command to them.

Cross-examined by Mr. Butt, Q.C.—The Shrah tenants had no sheep there for the last year, the herd of Proudfoot drove them off the land.

Patrick Angel examined by Mr. Kaye—I live on the townland of Clonee; four generations of us were there: we had a run on the mountain before the company came, for our sheep and cattle; when they came in 1867 the company deprived us of that; they striped and cast lots for the stripes; each tenant cast his lot; Proudfoot then came to subdivide my stripe, and I would not give him possession of it; he then cut off the mountain from us, 300 acres of it, and would not allow us to graze at all on it.

Cross-examined by Mr. Johnston, Q.C.—I am a tenant of Clonee; Proudfoot said the drains were made to drain the land; I would not give him possession when he wanted to subdivide my stripe.

Margaret Leydon (a handsome, little, peasant girl, speaking Irish) examined through an interpreter, by Mr. Kaye—I live in Derassa with my father.

Has your father sheep? He has.

Was he in the habit of grazing sheep on the mountain? He used.

Did you see his sheep worried off the mountain? Yes, by Proudfoot's herd; they were set on by the dog; other people's sheep on Derassa were driven off by the same herd.

Major L. E. Knox, the defendant, sworn and examined by Mr. Falkiner, Q.C.—Major Knox, I believe you are an Irishman and Mayo man? I am.

You are proprietor of the *Irish Times*? I am.

Now you recollect after Christmas last Mr. Lavelle's first letter coming up? I do.

It was inserted, I think, on the 4th of January. It was.

Did you see Mr. M'Cullagh some time after the publication? I saw Mr. M'Cullagh some days after the publication of that, and also another letter in reply by Mr. Proudfoot; I did not see Mr. M'Cullagh until after Mr. Proudfoot's reply.

Then you did not see him until after Mr. Proudfoot's letter was published? No.

The Chief Justice—The letter of Mr. Proudfoot was inserted before Mr. M'Cullagh made any application to you?

Witness—It was, my lord.

Mr. Falkiner—That letter of Mr. Proudfoot you had seen before it was inserted? I did.

And it gave the version of the company?

Mr. Butt—I object to that: produce the letter.

The Chief Justice—It speaks for itself.

Mr. Falkiner—It was read yesterday by Mr. Heron.

Mr. Butt withdrew his objection.

Mr. Falkiner—You understood by giving it insertion to be the company's account of the transactions which were referred to in Mr. Lavelle's letter? Certainly; it was so represented by Mr. Daly, the secretary, who called on me, as well as by Mr. Proudfoot.

Had Mr. Daly before inserting it an interview with you? I am not quite certain whether Mr. Daly's interview with me was before or after the publication of the letter.

Did you speak of the subject matter of the letter, and inquire as to its correctness—I mean to Mr. Daly? Certainly, I did; I had a long conversation with him, and a longer one with Mr. M'Cullagh afterwards.

Did you speak to them on the general subject? I went through the whole question in detail with both.

Chief Justice—Who was the second person? Mr. Daly, the secretary of the company.

Were both together? No, my lord; I am not sure whom I saw first.

Mr. Falkiner—Give us the substance of your conversation with Mr. M'Cullagh first. He called on me, and my impression is that he told me he had seen one of the editors first; he, however, called on me and complained of Father Lavelle's letter; I asked him whether he was aware that a very full reply had been written by Mr. Proudfoot, and a very strong reply too; he said he was aware of it, but that Mr. Proudfoot's letter was not sufficient; I asked him on what points was it not sufficient, as I thought it appeared conclusive, for it appeared to deal with every point in the other letter, and he said that it did not do justice to him and his co-directors; he denied then that the company was not doing all it could for the place, and my recollection is that he had a prospectus, and I got one; I don't know how I got it; he told me they were carrying out the objects mentioned there; I went through them and told him I approved of them very much; these were, giving fixity of tenure and making the tenants owners.

Did he tell you of the raising of the rents? He denied everything of that kind, and the end of the interview was that I told him my desire was that the *Irish Times* should do what was fair to everybody in the matter, and if there was anything not included in the letter, if he saw one of the editors in the evening that I would write a note requesting him to add in editorial form anything omitted in the letter, in order to do him justice; I know no more except that I am aware that some one from the company called in the evening with the sketch of a leading article.

Mr. Butt—You did not know anything of it to your own knowledge?

Major Knox—I was not present, but I heard of it.

Mr. Falkiner—After that interview with Mr. M'Cullagh didn't you see an article in the paper on the 14th? I did.

And approved of it in consequence of it being according to the purport of your conversation with the plaintiff? It was according to the promise I had given, and as his wish was that it should be published; I omitted one matter I very strongly impressed on Mr. M'Cullagh, that inevitably that course would bring forth a reply from Father Lavelle; I said that more than once, and if that was the case, that the reply of Father Lavelle must be published.

Had you ever afterwards an interview with Mr. M'Cullagh? No.

Did you, when stating to him that from your experience you presumed the inevitable consequences would be a rejoinder from Mr. Lavelle, give him intimation that your columns would be open to him also? I told him our desire was to give equal and fair play to both; I had no interest in it beyond doing what was right.

Is this action your own—the defence of this action your own? Certainly, exclusively. I might mention that, although I had no interest in the thing, I happened to know—which perhaps made me feel a little more interest in the matter—the property, and something of the tenants.

I believe the Gildeas were relatives of the Knoxes? They were.

You recollect getting a letter from Mr. Oldham, threatening this action (letter of the 15th March handed to witness)? I do.

Chief Justice—Could you tell the exact date of your interview with Mr. M'Cullagh? I am nearly certain, my lord, it was the 13th January.

Mr. Falkiner—It must have been between the 11th and 14th, for then the article was published.

Major Knox—It was either the 12th or 13th.

Mr. Falkiner—That is a draft of your letter in reply (document produced)? Yes.

Cross-examined by Mr. Butt, Q.C.—Major Knox, when you say the defence of this action is your own, have not you been assisted in preparing that defence by Mr. Lavelle? Not at all, further than that, when we sent down a gentleman there to get the witnesses, Mr. Lavelle helped him, and, I believe, accompanied him across the mountain.

You had an interest in this matter? Not at all, beyond the fact that the Gildeas were related to my family, and that I knew the property.

But you felt an interest? To that extent.

Did you say correctly, you were not quite sure whether Mr. M'Cullagh or Mr. Daly had called on you first? I am not sure.

Had both of them called on you before Mr. Proudfoot's letter? I cannot say; I remember Mr. Daly's interview perfectly, and all about it.

Was it before Mr. Proudfoot's letter? I cannot say positively, Mr. M'Cullagh's interview certainly was after.

Are you quite sure it was after the publication of Mr. Proudfoot's letter that Mr. M'Cullagh called? I am quite positive, for I produced Mr. Proudfoot's letter, which I had in my hand, to him.

You have no doubt of it? Not the least in the world.

And if Mr. M'Cullagh's impression was to the contrary, would it shake yours? No; I am perfectly sure of it.

When you got Mr. Lavelle's letter did you make any inquiry about the truth of the statements mentioned in the first letter from any one? I had a great deal to occupy me about that time, and I am not sure which of his three letters I had a correspondence with Mr. Lavelle about. He assured me of the truth of the statements in them.

Did you tell Mr. M'Cullagh, in your interview with him, that you had not seen the first letter before it was published? I am not sure whether or not I had seen it.

Did you tell him that? My impression is that I had not seen it; I don't know whether I told him that, but whatever I told him was the fact.

Mr. Butt—Indeed I am not saying that it was not, but you have no particular recollection of that part of the conversation? My impression is that I told him I had not seen it.

Did you say anything like this—that if you had seen it you certainly would not have published it? Certainly not.

But you would have published it? I would have published any letter from Mr. Lavelle, from my knowledge of him.

You would have published any letter from Mr. Lavelle? Most emphatically, if Father Lavelle told me it was true—I would at once accept his assurance; he had written before in the *Irish Times*, and everything he wrote was perfectly accurate.

A juror (Alderman Tarpey)—Did you, or any member of the *Irish Times* staff, ever refuse Mr. M'Cullagh, or any member of this company, any reply to Father Lavelle's letters? Not at all, but on the contrary.

You gave them perfect liberty, and opened the columns of the *Irish Times* to those gentlemen to reply? Certainly, I told them both it was our anxious wish to do so.

Philip Henaghan, examined by Mr. Kaye, by means of interpretation—I am a tenant of Derassa; I have a right to remember St. Stephen's Day.

Did he hear anything from Mr. Proudfoot at that time? His cow was taken up about midday at that time.

How much rent did he owe at that time? £3 7s. and some pence, a year's rent.

Did he offer any rent to Proudfoot that day? He offered him half a year's rent, which he had to give him, with 5s. costs besides, but he refused to take it.

When did he do that? Two days after the cow was seized; Bryan Comisky was left in charge of the cow.

To a juror (Alderman Tarpey)—Comisky did not charge anything, but Proudfoot, charged him 5s. along with the half year's rent.

To the Chief Justice—He was to send a daughter to America, but he was not going there himself; he was put out of his garden and his holdings; he was over 40 years living there.

Mr. Kaye—Was the striping he was offered able to support himself and his family? He could not pay rent for the stripe and support himself; he was left in the old stripe for the present year.

Alderman Tarpey—He says that he would sooner have half what he had than the whole of the new stripe.

Mr. Kaye—Ask did he say anything about going to America if he was obliged to take the new stripe? He said that he would sooner go beg than go on the new stripe—that he would not take it.

Ask did he say he would go to America if he was forced to take it? He said he told the bailiffs so, and that he would tell Mr. Proudfoot so if he met him, but he does not say he met him.

Cross-examined by Mr. Johnston, Q.C.—He says the 5s. must have been charged for the notices.

Ask him did he get a notice to quit before the distress? He thinks he did.

Ask does he think the 5s. he paid was for attorney's fees for that notice? He does not know; the bailiff charged him nothing.

Ask did he tell the bailiff he would go to America? He said he told the bailiff he would go to America—that he would go any place sooner than go on the new stripe.

Did Proudfoot or the bailiff tell him that if he gave up the place he would be forgiven the rent? He says that in the spring or winter of the year he was told by Proudfoot that if he gave up possession of his land he would be left his house and manure; he was told that last spring; he was afraid to give up possession because he did not believe he would be left in the place; he says that Proudfoot prevented him tilling the land.

To a juror (Mr. Kenny)—The people of Shrah used to send up their sheep on the mountain, and as an equivalent the people of Derassa used to cut turf on the land.

Mr. Johnston—Ask did Proudfoot make this offer before the cow was seized? He does not know whether it was before or after—that if he did give up possession Proudfoot prevented him making any tillage on the land till towards May; then it was arranged they were to hold on till November next.

To a juror—They got no leave to make tillage till towards May, and then it was very bad tillage.

Mr. Johnston—Ask did Proudfoot prevent him? He says that Proudfoot wanted them to go on the new stripes and prevent them making tillage; he has tillage on the land now, but it is bad tillage, and he was not allowed to make it till the year was ended.

Mr. Heron, Q.C., then handed in the following documentary evidence—The agreements with the tenants, dated 28th of April, 1868; 105 documents, dated from the 12th to the 25th of Nov., by which that number of tenants agreed to hold as caretakers to Mr. M'Cullagh; 56 tenants' proposals, from November, '68, to February, '69; a notice to quit, 29th of April, '68, on James Philbin, of Clonee; the particulars of the distress on Philip Henaghan, on the 26th November, 1868; the civil bill by the plaintiff against the Leydons, dated 9th of June, '68; the dismissal against Thomas Leydon, of 18th June, '68, in same case; a civil bill ejectment for non-payment of rent, against James Henaghan, on 2nd November, '67, for one year's rent due on the 1st of November, '67; a civil bill ejectment, on Thomas Henaghan, of 2nd November, '67, for rent due on the 1st of November, '67; a civil bill ejectment, against Matthias Conway, of 2nd November, for rent due on the 1st of November, '67; a civil bill ejectment, 27th of February, '68, against Bridget Gibbons and others, for non-payment of rent, due on the 1st of November, '68; another copy of same, on another of the defendants, in the same cause; a civil bill ejectment, for use and occupation, against Patrick Angel, of the 9th of June, '68; an ejectment in Court of Queen's Bench, against same, of 2nd of April, '69; Major Knox's letter of 5th of March, '69; and a leading article in the *Irish Times*, of 14th of January, '69.

This closed the case for the defence.

Serjeant Dowse then obtained permission to re-examine Mr Proudfoot, with the view of going into a rebutting case.

Mr. Proudfoot, in reply to Mr. Johnston, denied that he had ever prevented Henaghan tilling his land; he did not know that Henaghan would stop on the lands; Margaret Leydon's father was a tenant of Bryan Comisky's, and his sheep were not turned off the land by his or the company's directions; witness never told the man Angel he would shut his cattle off the land; the drains that were made on the mountain were made for the purpose of draining the land; witness also denied that he had refused £5 from Gibbons, but admitted that another man had gone to him with the witness who was examined, and offered to pay £5 of the widow's rent, provided that the witness would not come down on him, as he was about taking the land for the rent, and he refused; what Father Lavelle said about the grass being cut off from the Shrah tenants was not true; not a perch of the mountain was cut off, nor the company never gave directions on the subject; to the witness's knowledge, the tenants were not prevented cutting turf.

Mr. Heron, Q.C.—Tell me, were not those proceedings for the purpose of draining the tenants?—(a laugh). Draining the land.

Were you offered £5? Never, to my knowledge.

Did he say he would give you £5? He did.

Did you believe he hadn't the money in his pocket? I could not say.

You refused to enter into any bargain with him at all about the £5? Certainly.

Mr. M'Cullagh was then examined by Sergeant Dowse in reference to his interview with Major Knox, which he said took place before the publication of Mr. Proudfoot's letter.

Mr. Falkiner, Q.C., then replied on the part of the defendant. He said:—May it please your lordship, gentlemen, it would be the merest affectation on my part if, on rising at the close of this most important trial, I were to pretend to you an air of unconcern; or, for a moment, seek to conceal the throbs of sympathy which, throughout this trial, have penetrated the humble individual who now rises to address you. There are great interests at issue in this case. They were put in a triple form by my able friend who addressed you on the same side yesterday, and I don't think that anybody who heard him saying that here you were empanelled, and we are engaged in a solemn duty which bears special reference to the administration of justice—to the liberty, and peace, and prosperity of this country—could feel that he had transcended in the slightest degree the importance of the occasion. Gentlemen, if it were not that my judgment has been coerced—I may almost say against my will—into an acknowledgment that many of the doings and dealings of the Land Investment Company are of that character, that have transpired in the course of this trial, that public justice requires that the light of day should be thrown upon them, I would be able to speak in language of the most unqualified regret that this action should ever have been brought to court. I can freely say so in speaking for the defendant. Usually a defendant has nothing to gain by defending an expensive action in a court of justice—least of all a man like Major Knox, who is engaged with a vast responsibility upon him, and with multitudinous and overwhelming duties cast upon him in his position as the conductor of a great public journal. Little has he to gain by defending such a case. I might further say on his behalf that I think it might have been fairer if the gentleman who wrote these letters, and whose name never was concealed, had been made the real defendant in this case. You have heard Major Knox examined before you to-day. My able, my eloquent, and powerful friend, Serjeant Dowse, referred to a passage in Shakespeare, when talking of the power of the fourth estate, and said that if a giant's strength was possessed, it was tyrannous to use it as a giant. You have heard the evidence of Major Knox here to-day. He showed you that all he had done in this case had been in the performance of what I before called his multitudinous and heavy duties. He has given a fair field for the discussion of great public questions, affecting the deepest interests of his country and his fellow-countrymen. That was what he did. Why did not Mr. M'Cullagh bring his action against Father Lavelle? I heard my friend, Serjeant Dowse, speak of Father Lavelle, I would not say in unkind language, but I might say, in a slight tone of disparagement. Gentlemen, I suppose Father Lavelle has his faults. In

saying so, I admit he is a man, but amongst these faults, to take the part of an anonymous slanderer is not to be counted. Amongst his faults he does not possess that one, which we, in Ireland, consider one of the meanest vices—the want of courage. His worst enemy never could say that he had said anything of him, whether right or wrong, that he was not prepared to stand by; and it is proved over and over again in this case that Father Lavelle asked that he should be defendant—that he said he was ready to fight the battle, if a battle was to be fought—that he thought it was better he should fight the battle, and that Major Knox ought not to be the person, who, at his own expense, and without security, as he has sworn, after performing a duty, which he did voluntarily, to come forward to perform another as defendant, which, I admit, is somewhat against his will. But it is not for such a selfish reason that I was about to say, a moment ago, that my feeling, at the commencement of the action, was one of almost unmingled regret. I have a feeling for one who, I trust, will still permit me to call him a man with whose acquaintance I am honored—I mean the plaintiff, Mr. M'Cullagh. I cannot but think that if Mr. M'Cullagh, whose name was ushered in yesterday by Mr. Heron, as that of an able and conscientious, and an amiable man—I cannot but think—I believe, if I may express my humble belief before you—that had he known the facts that were to be proved in this case, it would never have been instituted in his name. I confess it was with the most extreme satisfaction that I heard Mr. M'Cullagh yesterday casting off at least the moral responsibility of those deeds, almost everyone of which, aye, everyone of which, was done without knowledge on his part. At the same time, he (Mr. Falkiner) contended that the plaintiff was responsible for the acts of his agent, whom he had employed. When he listened to witness after witness telling stories—some of them oft-told tales—of the miseries of the poor tenants, he was reminded of what he had read long ago from the pen of Maria Edgeworth, of O'Hara, Gerald Griffin, and from the pen of one who had lately departed from amongst them—William Carleton—who had expended the forces of their genius and the power of their literary talent in describing the misery that in time past those wretched tenants had suffered through the under agents, acting in the name and armed with the legal protections that surrounded their high-named employers. They knew little of the district of Partry until the Land Investment Company came into possession—that company that was got up upon purely philanthropic principles, and which immediately commenced by raising the rents of the poor tenants. He could not help referring to the famous speech of Mr. M'Cullagh, in July, 1866, in which he said: “Will not these people, uneasy, unsettled, and discontented, become happy and industrious, and as interested in maintaining the peace of the country as the queen herself? Will such men join a Fenian movement? Will they listen to unprincipled agitators? Never; because they have a stake in

the country, and all their prospects depend on peace and upholding the law. Will not these people, and their children, and children's children, bless the day that this company was formed to give them what I believe no parliament will ever give—fixity of tenure?" Mr. Brett was sent down to Partry, in 1866, to make a report on the place, and would it be attempted to confront his evidence with that of Father Lavelle, as to the condition of the tenantry and the place, all his visits, if put together, not amounting to a week? One of the great issues in this case, as opened by Serjeant Dowse, was whether or not it was true that this benevolent and philanthropic and philosophically limited company had won the affections of the people until the turbulent agitator—the priest—came forward amongst them.

Serjeant Dowse—I never said a word about a turbulent agitator—(laughter)—or a disparaging word of Father Lavelle.

Mr. Falkiner—I am very glad of the interruption, and perhaps it would have been as fair if my learned friend had not interrupted me.

Serjeant Dowse—I have a character to preserve.

Mr. Falkiner—Well, my learned friend did not use the word; but if I am to be called in question for every paraphrase of mine, any little power that is in me will be taken away. I will tell you, though, what my learned friend did say, and I will show that the interruption now is just as valuable as interruptions usually are, and which at best are but irregular. I will show you—and your own memories will bear me out—that what my learned friend did was this:—He described to you a prosperous tenantry, whose affections had been won by this benevolent association, and then in language, not that which I had used, but in that of inuendo or paraphrase, which he will not let me use, he did suggest that Father Lavelle had come forward, not as a peacemaker, but to disturb the peace which had already existed. I can well understand my learned friend saying he has a character, and has every reason for saying so, and he has a perfect right to say he did not use the words.

Serjeant Dowse—I said the peace was disturbed by circumstances over which Mr. M'Cullagh had no control. Perhaps I think as much of Father Lavelle as you do.

The Chief Justice—I think we had better proceed.

Mr. Falkiner resumed—Gentlemen, when this company first had taken possession of the estate of Port Royal, the Rev. Mr. Lavelle, as he stated in one of his letters of the 27th of January, felt towards them feelings of considerable kindness and welcome. He thought they had well come, and he gave them a welcome accordingly. He says for awhile they had his best wishes. He was delighted with the company's programme of helping the tenants, and converting their tenancies into fee-farm. The balcyon pictures drawn in that prospectus seemed to have lighted up the horizon of Partry, and Patrick Lavelle, amongst others, in the same way as some of the more gentle shareholders, believed in the prospectus.

But taking 1866 as the date of the possession of the company, there was a peculiarly inclement winter. The season of 1866 and 1867 was one of peculiar hardship. They were always a hard-
tried race. Such was the effect of that season that the people had no means of supporting themselves with the soil. And, gentlemen, when you heard of Indian meal being carried down in large quantities, I don't know whether all of you saw the great significance of that fact, because in bringing down a grain reared in another hemisphere, you can well understand how it was given by charity or purchased by the tenants themselves. And what are the surplus profits of the tenants for the purpose of keeping the body and soul together? What means have they of purchasing the foreign commodity and means of food? Gentlemen, the consequence of that was this: their own agriculture or arable portions of land were no longer able to support them. The company themselves seem to have carried meal to the district, although there was payment afterwards exacted for it, mingled with law costs. Father Lavelle brought down nearly £500 worth of meal himself, though a portion of it was not exactly for persons within the ambit of his cure. I come now to May, 1867, because I will endeavor to pass over unimportant spaces of time, and thus relieve the case of what is not essential for your consideration. In consequence of the severity of the season through which those poor people passed, they were unable to meet their rent due the following November. All admit that this was a season of dire distress, and that distress could be only qualified by describing it as chronic. Let the cogent fact be known that in this island, and in that bleak, western district, it was necessary to have grain carried from another part of the globe. That fact makes it impossible for anybody to deny that deep distress pervaded the mountain of Partry at this season. The May rent could not be met, and the November rent became due. Father Lavelle, who had been revelling in those beautiful pictures drawn for him in the prospectus, and possibly translating these bright promises into the Irish language that the people might understand them—for he stated he did impart to the people what he believed to be the purposes of the company, and used his influence amongst them that they would make no opposition to the acts of the company, but to give up possession on the faith of these promises, assured as he was that the company meant what they said. But, gentlemen, an extraordinary revulsion of feeling takes place in his mind when he finds those miserable people, in the season of their sadness and distress, visited with processes of ejectment for non-payment of rent. A year's rent had become due on the 1st, and it was followed by a process of ejectment on the 2nd. On the day following the rent accruing due, those miserable countrymen and countrywomen of ours are visited with processes of ejectment for non-payment of rent. In addition, we find heaped on them the costs of litigation. Ten shillings, eleven shillings, and fourteen shillings, is little to the Land Investment Company (Limited),

whose capital is a million. But the poor tenant of Partry, who pays his £2 and £3 a-year for his little holding, is to pay, in addition, 14s. law costs. I would not trust myself to enlarge on such a topic, but I will leave it to the consideration of the generous men who are empanelled to try this case. Proudfoot insinuated that they did not want the Indian meal, which the hand of charity had extended to them, but that in the abundance of their wealth they flung it to the pigs. That was a statement which no one dared to sanction by an oath. Gentlemen, I say that, according to the principles of human nature, you cannot do justice in this case, unless you realize to a certain extent, and that must be done by the divine human faculty of imagination, the position of the man who wrote that letter. The notices to quit and ejectments were served, and law costs were imposed. The year 1868 passed onward, and then came the winter again, and with it the necessities which are chronic at Partry. Christmas came, and the joy-bells were heard. It was the time of peace and good will to men. But the morning came, and with it a distress into the house of poor Henaghan. I wish that word distress was for ever banished from our law. It, too, signifies human agony, misery, and sorrow. Scarcely had the sounds of the Christmas bells ceased, when the ejectment was served, and the hunting of the wren commenced in Partry. In that great mountain parish of 3,000 souls, where there are but three gentlemen, the Established Church rector, the doctor, and parish priest, the people, who are, without exception, of his religion, came to the parish priest, who was their counsellor all through. Gentlemen, I am not a Roman Catholic; I am here in the position of an advocate, and do not want to curry favor with anybody; but I must say the man must have a heart of bigotry, which I do not envy, who can shut his eyes to the position occupied by a man in the position of a priest in a district of so much sorrow and suffering. He heard of the emigration, and saw the wretched people fleeing from the homes of their ancestors. He witnessed their sufferings, and saw that sorrow and woe were gathering again round Partry. In a spirit which I stand here to vindicate, he wrote that letter of the 26th December, 1868. I do not know what your views on political economy may be; but I heard it said by the students of almanacs, that the population are to be transferred elsewhere. I can understand the priest amongst these poor people. I can understand that he rather gathers his principles of political philanthropy from the sources of the heart; and when the wisdom of the heart is joined with that of the brain, it becomes a loftier philanthropy than that which is based merely on arithmetic. He read Goldsmith, and thought, perhaps there was wisdom and philosophy in him, when he says—

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay;
But a bold peasantry, their country's pride,
When once destroyed can never be supplied."

Gentlemen, if in that spirit he wrote that letter, everyone can understand he was no bad man who entertained such notions of philosophy. The greater part of the letter is not on the record. Their case here, which in some degree partook of the nature of a plea of justification, was true. It went further, it said that portion of it which did not state facts, was a fair and reasonable comment. The question for the jury to decide was, how much was true, and with regard to the rest, was it not a fair and reasonable comment. Counsel read portion of Mr. Lavelle's letter, stating that the tenants had been deprived of their mountain outlet. Was that proved or not? Who had proved that? Why, the witnesses for the plaintiff. He hoped they understood that part of the case, for that open mountain of Derassa grazed for centuries the cattle of the tenantry of Partry in the times of the Gildeas. He had been told that there had been a straight striping by a man named Kenny some years ago; these people paying so much per annum for their lowland farms, to which were attached the right of commonage over God's free hills—that was their tenure. He did not mean to say that the law, arming this company with its powers, could not have enabled them, at the end of a year or year and a half, to have terminated these tenures and deprived the people of both lowland and upland together. If there was that tenure, and he was not there to say whether it was right or wrong, if there was that means by which the inhabitants could be expelled at the end of a fixed period, in the name of God let them have that fixed period before they were driven out. There was no notice to quit, because that was a legal engine, and there was no ejectment, for that was the second legal engine when the machinery became complex. The letter went on to say that what had been done was a violation of the law. And was it not? Without form of these letters from her gracious majesty the queen, the writs of her high courts, or even of the chairman of the county, or any form of law, one-third of Derassa was taken possession of for his own purpose by the chairman of this company. He believed that in doing so the plaintiff did not understand he was doing wrong, for his accounts of the tenantry came from Proudfoot and his myrmidons, who made him do it, because they falsely represented that the people had plenty. Here was Mr. M'Cullagh, a wine merchant in Dublin, who knew as much about the people of this country as the tenantry of Derassa knew about the wines of Oporto. He believed Mr. M'Cullagh did not know he was aggravating the misery they had already down there. In the cross-examination the only point sought to be made was, that Father Lavelle called the mountain worthless, and then, that being so, it was taken away—therefore he was to be considered inconsistent. His learned friend knew what a great Roman poet said—the unfortunate cottiers had nothing, and that miserable nothing was taken away from them. Everything in that had been proved, and was it because Mr. Proudfoot said to the contrary they were not to believe it? He had never seen him before, and he did not wish to say

anything against him except what had been proved in this case. Mr. Heron said he did not know what the word Proudfoot meant. He (counsel) said he was the proudfoot put by this company on the necks of these miserable serfs, and that was the etymology of it. (Laughter.) The case made on the other side was, that the tenants were unable to pay the rents, and, therefore, it was necessary they should serve processes on the 2nd November, for the rent due on the 1st; and, forsooth, the way they were assisted to pay these rents was to take away several hundred acres from them at Derassa, which were the means of maintaining them. It was said this was not done, and he heard with astonishment the miserable point attempted to be made when that girl Leydon was produced, with reference to the cattle being driven off the mountain. She was asked was she sure that the herd was not her father's landlord, and it was sought to be shown that young Comisky was only acting for his father in that capacity. Who believed that? Comisky said he only acted as herd, and the reason he put off these people of Shrah, whose cattle had been grazing there since Noah's Flood, and of Derassa since William the Conqueror, was, that they were trespassers, and had no right at all. They had heard witness after witness upon that point, and were able clearly to come to a decision upon it. Counsel proceeded to read from the letter, which, he said, was perfectly justified by the facts given in evidence. The great moral question in this case was, whether Proudfoot was right in acting this way—whether the jury would declare themselves perfectly satisfied with what was done, or whether Father Lavelle, who knew the people, told the truth. It was said that the tenants had freely consented to the course pursued. If that was so, why were there those intermediate documents? Mr. Heron had said those documents had gone in triplets, but he found a fourth, which had been omitted, to cap the climax. They all commenced with a document which said—“I give you notice that at the end of six months you are to leave this place.” Was that the voluntary wish of the people of Partry? Why, according to law, the notice to quit could be only given from the time the tenancy terminated, so that some persons might have eighteen months' notice, while others only six. Another document was executed with reference to the terminancy of the tenancy on the 1st of November. That, of course, made it a fixed holding, but rendered the occupants trespassers, the day after the 1st of November was passed. That was the second of the documents, but they were not satisfied with that. The notion of supposing that either Mr. Oldham, or Mr. Meldon, or anybody else who knew anything, was a party to these documents, was out of the question. They had not heard of the hero of these documents yet, by which the unfortunate, benighted tenants consented to give up their little holdings, and become mere caretakers to Mr. M'Cullagh, with the rope of serfdom round their necks. These men, in all their ignorance and darkness, were supposed to have done that voluntarily; but why, he would ask, was it necessary if they were ready to make the change, to drive

them into a condition of despair? Because the law of the land was, that a caretaker could not maintain a prosecution for forcible entry. Once a man said he was a caretaker he became a servant, and at that moment his greatest privileges as a citizen, of having a roof over his head, ceased, and he was henceforth in the position of a kenneled dog or a stabled horse, to be driven out by the force of the law of the country—by the force which model Scully brought upon the scene—by that force which their wily plans, backed by wealth and influence, had given them. That was the position of those men who signed as caretakers. He could not imagine a people more prostrate than these 50 or 60, or 80 or 90 persons who signed these papers converting them from their position as tenants of land, which they inherited for thousands of years by their ancestors, into mere caretakers. If it was done by consent, then they had a picture, which he was glad to say was not often presented in Ireland, of a happy tenantry pouring forth their blessings on the land, relinquishing all their rights for the pleasure of becoming caretakers. He would ask them in all solemnity to read the documents, and consider the picture of these people, on their knees, without a stake in the country, such as he had described, with an unfixed tenure such as had never before been heard of. Had that document been presented to them that the sign of the cross might be placed to them as their marks in acknowledgment of rent of £7,000, they must have signed them or go out. He did not think that the object of the company was so much to drive or hurt these people themselves, as to get up a large rental, and then, as land-jobbers, bring the estate into the market and lease it to others, the new purchasers to put on the driving process. They were told the people voluntarily yielded to this agreement, and the man Malone was put forward to prove this. He was an Irish speaker. He said he knew the meaning of the document, and yet, when he was asked what a lodger meant, he said he did not know. He was asked what was his new rent, and he said £2, but when the document was handed in it turned out to be £4 7s 6d. Was that a consent? Would Mr. M'Cullagh say that was a consent which he, as an honorable man, would ask to bind them? When that man signed the three documents was he a person who really understood what he was about? He (counsel) asked did he know that if, in dispensing the hospitality of the Irish peasant, he was to take a lodger into his house, he would have to pay £10 penalty? He (Mr. Falkiner) did not know whether they were afraid of the lodger franchise getting down to Mayo or not, but it was quite plain the man just understood as much in putting that cross to the paper as one of the kyloes would if her horn was taken out, put in an ink bottle, and drawn across it. (Laughter). The charge against Mr. M'Cullagh of having his cattle feeding on the grass of the tenants was perfectly true; but he was sure Mr. M'Cullagh did not know what he was doing. The cattle were grazing there—they had no right to be in it, and the law was violated, so that the document was strictly true.

Mr. M'Cullagh had said that his interview with Major Knox was before Mr. Proudfoot's letter was published. Major Knox said that was entirely a mistake, and that the interview must have been on either the 12th or 13th of January, while Mr. Proudfoot's letter was received at the *Irish Times* office on the 10th, and published on the 11th of January. It was clear Major Knox was correct in this, because everything led to that belief ; and not the least of all was the letter written by Major Knox, as long ago as the 15th of March last, to Mr. Oldham. Counsel then read the letter referred to already in evidence, and directed attention especially to the following portion of it : "The first letter from Mr. Lavelle appeared on the 4th of January, and on the 10th of that month a full and very strong letter, in reply, was received from Mr. Proudfoot, the (company's) local agent, which was at once inserted in the *Irish Times*. On the 13th Mr. M'Cullagh himself called on me, and I told him if he wished any explanation, not only should it be published, but, if he desired it, as I was most anxious to pay any compliment to himself, or to serve the company, it should be done in the form of a leading article. At his request I instructed one of the editors to do so, and an article, which I thought complimentary to the company and Mr. M'Cullagh, appeared on the 14th." That, he (counsel) thought, settled the question. Major Knox's statement was evidently the true one, and Mr. M'Cullagh's incorrect. But much did not turn on this point. The real question was, did not Major Knox faithfully discharge his duty as the head of a public journal in allowing the *Irish Times* to be the battle-ground for this fight to be carried on in, and that privilege having been accepted, this action ought never to have been brought. Mr. Proudfoot wrote an angry letter—a libel, in fact, as had since been proved—to which he would not refer further than to state that Major Knox was determined to give fair play.

On the 14th, he directed to be put in a leading article, and added the names of the directors, and paid them the highest compliment he could, by placing them high in the commercial world, so that, if they had done wrong, the high influence of their names might spread out its branches to hide the baneful effects of the upas tree. He did that, and it was all he could do. He had now done with the first alleged libel, and approached another step in the case. As Major Knox intimated to Mr. M'Cullagh as a likely thing to occur, Father Lavelle reverted to the charge on the 27th of January, and exposed the proceedings in reference to law costs. The law was brought forward against the miserable people in the shape of processes, in order to add to their rent the accumulation of law costs, and in that way the great name of the law of England was known through Partry. Father Lavelle was right in saying these poor men were fleeced by unnecessary law costs. Was it necessary to make a £2 holder pay 18s. costs? Was that necessary? Did not the documents prove that they were made pay the surveyor's fees and others which were never explained?

Let them now take the notice to quit, and he would explain what the 5s. was for. Mr. Johnston asked a witness what was the meaning of it, but he could not tell. He (counsel) now wanted the document signed by Lord Naughton, for he found that he had signed his name "Naughton" in baronial style, without his Christian name. (Laughter.) Counsel then read the notice, and said it would be absurd to say that Mr. M'Cullagh was not answerable for the act of his myrmidon, for an action could be taken against M'Cullagh on that distress if it were illegal, which he believed it was. Why, this Lord Naughton ought to have been at the vote last night. (A laugh.) Well, five shillings was charged for that little job. Was not that illegal and unnecessary law costs? Five shillings added to the rent of this impoverished tenant. How was that to be made out? Was this miserable drop of the heart's blood to be dragged out of these people—these fines and penalties? Mr. M'Cullagh told them that the fourteen-shilling matter was a thing that he could not justify—that it was a matter he was sorry for. Were they to have Proudfoot come up and tell them that these people were not to be believed about the drains, because he said the drains were put there for the benevolent purpose of draining? As to the word "robbery," he said, used in the language of indignation, it was open to but one interpretation. The meaning of it was explained. If it was said Mr. M'Cullagh robbed, no one would believe it, but if it was said that through his agents property was taken possession of, which he had no right to, then the sense of robbery, as explained in this letter, was true. That was the meaning of the word. Mr. Lavelle told what he meant in the next sentence, and if they could find upon that word that it was used as he suggested, they would give that meaning to it in their verdict. The same word was applied to Mr. Gladstone the other night, and he (counsel) was not one to say that it was wrongly applied to Mr. Gladstone. (Laughter.) He now came to the last of these letters—the story of the Widow Gibbons. He was not strong enough in frame to go through this matter as it required to be dealt with. They had heard the pathetic story of the old man in relation to that, and they saw how, when he was cross-examined by counsel, he rose to a higher spirit than he had ventured on when interrogated by those on his own side, and declared that, although by marriage he was only the nephew of this poor, old woman, he had been her son for ten years, and that when his last shilling was given to him, with her he would divide it. He was ready to give the rent, but because he wanted to get some sort of security by getting some of the land in conacre from the old woman, it would not be taken from him. There was the money of the widow refused, in order that she might the better be made an outcast; and 10s. costs were put upon her. He believed there was no man more ignorant of that than Mr. M'Cullagh till yesterday, for he was certain if he knew it he would not justify it. With reference to the story of the Prophet Nathan, he should remind him that the words that had been so often alluded

to in this case came from sacred sources, and they were the language of the man of God, uttered not to a bad man but to a good man. They were uttered to the good man for the purpose of bringing home conviction to him, that from the outbursts of a generous heart there might be an admission that no mortal knowing his mortality would be ashamed to admit. David said, "You show me I have sinned and was wrong, and I admit that the man who does these things is worthy of death." The king said unto Nathan, "I have greatly sinned before the Lord," and Nathan said unto David, "The Lord hath taken away thy sin." Having quoted the authority of Chief Justice Cockburn on the subject of free discussion of matters of public interest, the learned counsel concluded as follows :—Gentlemen, we have now proved our case, and I know your verdict will give the answer to my assertion that this was a fair comment. We have proved the case in its truth ; but if there be a little transcendent language—if there be some angry words written which have not exactly their prototype in the evidence sworn on the table, are you, the guardians of the public press—of the rights of free discussion—to mete out in tender scales the language which may, perhaps, have been used, and to say here is a word, a superlative and adjective, or a strong substantive, which has not been sworn to by the witnesses, and therefore we hold you guilty, and hold that this is no fair comment. If that were so, perish the liberty of the press ; for if a man is said to have the right of denouncing wrong, and if a man who sees deeds done that are more than questionable, wants to bring them before the light of day, then, gentlemen, is it with the "Correct Letter Writer" before him that he is to sit down, or, as a great man said, and I, a weak one, adopt his words—is he to have a counsel at his right hand and an attorney at his left ? Gentlemen, when the feelings are strong, and when the occasion is such as, according to the principles of our common human nature, makes it right for a worthy and good man that the feelings should be strong—he is not to be held accountable for the gall with which he has mixed his colors, and he is not to be accountable if he has allowed the heart to burst out in hot language, and the full storm of emotion to find vent in a spring-tide of honest though vehement language, nor shall he be held accountable if he bursts out into the burning words which tyrants quake to hear. In presuming to speak on this lofty topic—this theme of the right of the public press to criticize with freedom—I feel that I, a weak man, am approaching and daring with faltering finger to touch an instrument which has been touched by the hands of the mighty masters of the past, and when I approach it I shrink back terrified at my own audacity, and my memory becomes crowded with shadows of the illustrious dead. I call to mind the great speech of one of the greatest masters of English eloquence—Lord Erskine—whose shadow seems to me to rise in this court of justice, pre-eminent, great, and transcendent. It was the speech in which he settled this law of libel, for his thoughts were turned into an act of parliament ere many years had passed,

and that was the great cause in which at once he vindicated the right of free discussion, and, by a strange coincidence it appears to me, it was in that speech that he drew the wondrous picture of the savage owner of the soil with his tomahawk flung on the ground, vindicating his possession by that right and power which God had given him. In that great speech these two mighty topics were put forward together by a master speaker, and the language in which it was uttered rolled in thunder throughout the court-house, since disused, astonishing hearts that are long since sleeping in their grave; but outside the precincts of that court-house it rings for ever in the hearts of mankind as an undying echo. I do not dare, weak as I am, to pursue further this enlarging topic. I ask you for your verdict, not in the spirit of the language of my eloquent friend who spoke yesterday—not because you will have the prayers of those poor people—but I rise to a higher ground, and from your sense of justice I demand your verdict as a right, not seeking it as a favor. This is the view I would put before you in demanding your verdict. I ask you to send down English law to Partry in another form than that in which it has been known there—not by the Christmas visits of the distrainer, bringing distress into the homes—not by the notices to quit and miserable *legal* documents, and those mysterious compacts that nobody has understood, and no one has ventured to explain; but that they may know the English law, and so become loyal—for that is the meaning of the word lover of the law—by finding that the English law is not altogether their enemy. I have heard people speaking of a message of peace, and that it is to be worked out by changes in laws that have existed for several centuries. Let us try the experiment of a message of peace by giving to the people of the country our law even as it stands. Let them know that they have the protection of the laws of England as well as they have those tortures to which it has been misused, and then perhaps you will make them, in a higher and holier spirit, better understand the union with that great country, whose ships are known on every sea, and on whose empire the sun has never yet been known to set. When you have taught them these things you will have made them loyal. Teach them the lesson that in a case in which their rights were considered by a jury of Dublin merchants as against Mr. M'Cullagh, a worthy and well-known Dublin merchant, justice would be given them if they deserved it, and that we can all live in amity under a common sovereign. The peasantry of Derassa and Shrah and the other townlands shall then live in loyalty and love of our common sovereign and empire, and become, indeed, Part Ree, the portion of our queen. (Loud applause.)

Mr. Butt, Q.C., next addressed the jury on the part of the plaintiff. He said he was aware of the disadvantages under which he rose after the eloquent addresses of his learned friends, Mr. Heron and Mr. Falkiner, which he had heard with delight and satisfaction. Not only did he feel admiration for their eloquence, but in most of what they said he entirely sympathized. There

were topics in this case very well calculated to carry away the feelings of the jury from the real question they had to try. Those topics had been used, he was going to say with dexterity, by his learned friends, but that would convey a very inadequate idea of the admiration he felt for the skill and power with which they had not unfairly used those topics. The issue the jury had to try was, whether upon the individual conduct of Mr. M'Cullagh certain passages in these letters were fair comments. They had not to try, and they could not decide, any political or any social questions affecting the well-being of this country. They could not decide and they had not to try whether fixity of tenure was a good thing or not. He had his own opinions, and they were very strong opinions, upon that subject. No language in which his learned friends could express their opinions upon that subject would go too far for him. Their verdict was not to decide any question of that kind. They were there under a solemn obligation to do justice between man and man. He, as an advocate, had no right to allow his own opinions to influence him in the discharge of his duty upon a question that did not affect those opinions, and the jury had no right to allow them to influence their verdict. Mr. M'Cullagh had brought this action in his individual capacity. It was not an action for a libel upon the company, and Mr. M'Cullagh had studiously and carefully excluded from his cause of action everything that merely canvassed the conduct of the company. It was all very well to talk of the liberty of the press, but, even for the protection of the liberty of the press, jurors had most important duties to discharge, when they came to draw a line that separates discussion of public conduct from assaults upon private character; for if the liberty of the press degenerated into the licentiousness of assailing private character, under the guise of discussing public conduct, society would soon get weary of the liberty of the press. He would now endeavor to recall their minds to the plain facts of the case. It was evident that the Port Royal estate, when the company came into possession of it in 1866, was not exactly in the condition in which they would wish to see Irish land. The company had made a provision for giving to their tenants fixity of tenure, and up to the present time they had not violated that provision, and not a single tenant had been evicted from the estate. It was said that children and fools should never see half done work; but there was another eye that should never see half done work—the eye of an angry and excited ecclesiastic—animated by strong, and, he would say for Mr. Lavelle, honest and honorable feelings. That was not the eye that should look upon the half done work of a company that undertook to put this estate in order, and their work was only half done yet. In what state did the company find this estate when they got possession? Cold and uncultivated—the tenants living on the system of Rundale, with their land in common—and with great pastures that were capable of being made useful—hundreds of acres unfenced and unreclaimed, and wandered

over and over by the sheep and cattle of the tenants, besides those of trespassers from a distance. He (Mr. Butt) submitted the company had a legal right to improve their estate. The tenants submitted to what they did, and it was done without the remonstrance of the parish priest. They consented by agreement to become the caretakers of the company, and by that act the company unquestionably acquired the right of evicting every one of them at a moment's notice. The learned counsel continued: I disapprove of that power in the hands of any man. Some of you know my remedy. Wild as these tenants are, and uneducated as they are, I would give to every one of them, by the strong hand of legislation, the right to hold their land at a rent fixed by government valuation, and leases that would give them an interest in it. That is not the law. I believe that if these tenants on that wild mountain waste were given leases of which no landlord could deprive them, the improvements of Partry would be realized much quicker than any company could ever accomplish. Nothing will ever induce me to conceal or modify the strong convictions I entertain on that subject. However such is not the law, but I believe this country will never be at peace until something of the kind is done. The company got these tenants into their power, and the question is have they used that power unfairly? When November comes they compel them, still keeping them in their power, to sign an agreement that they hold as caretakers, and immediately after that an agreement is signed by which they become tenants from year to year, under conditions of which no man can express his disapprobation stronger than I do. But these agreements are, unhappily, becoming every day more common in the country, and with the commercial spirit that is getting abroad, and the breaking down of old feelings, the notion is abroad that the more you can make a tenant the absolute slave of his landlord, the better your chance of improving the country. I do not think so. I believe it would be from the labor of freemen, left to regulate their own affairs, that the improvement of the country would best proceed, and I would rather give freedom and intelligence to half a million of tenants than leave the country to the improvement of companies, or 4,000 or 5,000 landlords. But the plaintiff, he submitted, was not responsible for all this. He admittedly took portion of the land, for which he paid £30 a-year rent, and drove his cattle upon it; for that was he to be designated a robber? Were not some improvements to be made? In the name of common sense, was a great mountain of 1,500 acres to be waste, to be trespassed on from neighboring estates? Was it to be said that because a tenant in Killybegny, for instance, had a right to send up sheep to graze on Mangerton, that was to preclude all possibility of improvement? Notions to quit were admittedly served, but there was no evidence that, up to the present, any of them had been actually executed. The whole case, he contended, had shown that Mr. Lavelle's letters contained imputations on the company which were utterly

groundless. It was plain there was something of angry feeling between Mr. Lavelle and the agent of the company, something of the strife of ascendancy between them, which made Mr. Lavelle sensitive of any act which would enable him to expose Proudfoot. He alleged there was not such oppression practised on any other property in Ireland, model Scully's, perhaps, excepted, and for that the action was brought. There was a plea of fair comment, but that did not justify untruth. Were those letters a fair comment on what really had occurred? The learned counsel proceeded at some length to argue that the comments were not justified. Those charges had rung through the length and breadth of the land, and through England, with the sanction of Mr. Lavelle's name. He did not think Father Lavelle spoke worthily of himself or his boldness of character when he stated it was a fact. It was not fair comment to say that a whole mountain outlet, on which the tenants depended, had been taken away. If the facts had been accurately stated in the letter, and then the strongest language used, he (Mr. Butt) would not complain. He would ask that every man in the community—he cared not whether he was the editor of a newspaper, or a priest, or a parson—that when he dealt with public matters he should place the facts fairly and fully before the public, and not shelter himself by merely stating it was a fair comment. That was the issue which the jury had to try. Was that statement, which had been deliberately sent forth to the world, a fair comment? The right to graze the sheep on the mountain was a mere permissive one, and he was justified in saying so, for, from the beginning to the end of the case, there was not a scrap of paper produced to show that anyone of these tenants ever had an actual right to that mountain. It was merely given to them as an indulgence by the landlord. The company, he contended, really never had any intention of disturbing them. Would the jury, he asked, be justified in saying they had been unfairly treated? He believed the honor and dignity of a country depended above all other considerations on the public tribunals doing impartial justice, uninfluenced by prejudice, by political feeling, or popular clamor, or even the desire of popular applause, or even the more pious desire of gaining the prayers of the poor in Partry. He asked them to think of nothing except the desire of doing justice between man and man. There was a wise saying in the book of Proverbs—“Lean not to the cause of the rich man because he is rich”—but Solomon, who knew the world, added—“nor favor the cause of the poor man because he is poor.” They should hold the scales of justice fairly. He would be sorry to think the Rev. Mr. Lavelle wrote part of the libel intending to mislead, but he feared he penned a great many of his sentences with haste and without due reflection. He believed it was the highest Christian duty to judge not, lest you might be judged. It was the solemn duty of every man, before he held up another to public scorn or execration, to make an anxious and discriminating inquiry, to ascertain

the truth of what he was about to write. Was such an inquiry made? That was really the question they had to try. All the magnificent declamation to which he had listened with admiration could not alter or turn their minds from the real issue in the case. Were those letters a fair comment? Why was Mr. M'Cullagh singled out from all others, having no more to do with that distress than any of the jury had? It was the sudden exercise—whether right or wrong—of this manager seizing the cattle of the man who, he was told, was going to America without paying his rent: no application was made to Mr. M'Cullagh in reference to it. If there had, he was sure it would have been listened to. The next passage of the libel contained an expression of Mr. Lavelle's belief that cattle, the property of the chairman, were feeding on grass for which the tenants were paying rent. Was that a fair comment on anything that Mr. M'Cullagh did? That was the imputation which made Mr. M'Cullagh bring the action, and it was made upon the foundation of one single sheep having been found grazing, having on it the letters "A M C." As to the charges in reference to the Widow Gibbons, he denied their accuracy. Her case was the only one they could fix on, and which of them, as employers, could have every act of theirs dragged before the public, and then be branded as a tyrant and child of death? That seizure was a pure mistake. The manager heard she was going to America without paying her rent, and adopted measures to get it from her. The imputation in reference to the tenant not being allowed to compete for the land was wholly untrue, for Mr. M'Cullagh never had Port Royal. Had anything transpired to justify the charge of £400 being spent on the house and office? Was there ever such a passion for slander, that it could build up this story to degrade Mr. M'Cullagh in the estimation of every man, on no better foundation than that he saw a sheep there with a brand on it? This was not the conduct by which any Christian clergyman ought to illustrate the principles and precepts of their common religion. "Bear not false witness against thy neighbor" was the command of God, and long before that command it was written on the conscience of every right-minded human being. Was that false witness? The man who rushed to such statements as that without a moral conviction of their truth was just as guilty as the man who invented them. Was that a fair comment proved by any fact on the trial? Mr. M'Cullagh paid rent for the pasturage at Derassa; and he regretted Father Lavelle destroyed so many great qualities by rushing so hastily into a matter on which he was so ill informed. The learned counsel went on to say that the reference to the story of the Prophet Nathan was merely another proof of the rashness, and he must say the recklessness, of a man who did not pause to measure or weigh the effect of his words. He argued that it was vain to attempt to shield Major Knox from the personal responsibility of having published Father Lavelle's letters in the *Irish Times*, a most influential and powerful paper. Father Lavelle had not the

power—and probably it was as well for himself he had not the power—of publishing some of his reckless statements to the world. He thought that the proper course for Major Knox to have adopted in this case would have been to have settled this action, as he could have done by lodging a small sum in court, and publishing an apology in his newspaper for the attack on Mr. M'Cullagh's private character. Major Knox had not chosen to do that, but he had adopted the statements of Father Lavelle, and attempted to sustain his case by the plea of fair comment. They were bound to do justice to Mr. M'Cullagh ; truth and justice and honor demanded that they should give their verdict for Mr. M'Cullagh, who did not bring the action with the object of gaining money. They were bound to give substantial damages. He did not care what prejudice they had against a land-jobbing company, the character and honor of one their brethren was at stake—he did not mean a brother merchant, but a brother man ; and they should do unto him as they would wish that others should do unto them if ever they came to a court of justice upon grounds like these, being sullied in mercantile honor and private character, and they should give him such a verdict as they would desire a jury of their countrymen should give them if in a similar position. (Slight applause.)

The Lord Chief Justice said it became his duty to sum up the evidence in the case to which the jury had listened with such close attention for some days. The case involved considerations of importance both to the parties concerned, and, he might also say, to the public generally. Topics had been introduced into the case during the course of the trial which, though not, perhaps, entirely relevant to the issues, yet were not unnatural ; but they had nothing to do with the question of the general management of estates in Ireland ; they had nothing to do with the duties of landlords and the duties of tenants, generally speaking—with fixity of tenure, or any other of the topics which had been introduced to them by the learned counsel who had addressed them, either in illustration, or, perhaps, in the somewhat unnecessary expression of their own individual opinions. They had enough to do in disposing of the issue that was before them. The parties to it were Mr. Andrew M'Cullagh, who was the plaintiff, and as it was admitted on all hands, a merchant of respectability and character in the city. His complaint was that he was defamed by the defendant in his private character and in his official character, beyond the limits which the law gave in the assertion of the right claimed by the defendant. The defendant, Major Laurence E. Knox, was the proprietor of the *Irish Times*—a journal which was largely circulated in this kingdom, and he said on his own behalf, that he had published the articles complained of, but that under the circumstances, which he (the Chief Justice) would call attention to, as a public journalist, in the assertion of the undoubted and unquestionable liberty of the press, he said he had a right to publish them. He said he had no malice towards the plaintiff—though

that would not be important if he was not otherwise protected, because malice was only a consideration where the paper published was privileged ; for if a man were to insert an article attacking any of them, and that it was in itself defamatory, it would not, in the law, at least, be any answer to say that he was not maliciously disposed, because the law then would infer malice from the nature of the act done. But when the publication was an assertion of a right, on legal grounds, then it was of importance to see whether the publisher had any express feeling towards the plaintiff. In this case, they had a witness who admitted before them that he was the author of these writings—the Rev. Patrick Lavelle—who appeared to be a man of considerable ability, and much energy of character. He described himself as being very peculiarly placed, which might account for what appeared to an unbiassed listener as claiming somewhat of an assertion of authority and dictation ; but it was for them to judge of the value of his reasons, which, as matters of fact, they could easily understand. He said that he resided in a very remote part of Ireland, where, strange as it might appear to them—and now appeared to be a matter of fact—that the great body of the people could not speak the English tongue. He informed them that the doctor, whom he (the Chief Justice) supposed he saw as less frequently as possible, could speak English ; that the parson, whom he also supposed he rarely saw at all—(a laugh)—also spoke English ; but that, with the exception of these two official persons, in a parish consisting of about three thousand persons, only two or three really understood the English tongue. That was a very remarkable statement. These people, therefore, according to his view of the matter, not unnaturally listened to him because they could understand him ; and, on the other hand, he had it all his own way, because when he addressed them there was no one to contradict him. If he had been otherwise placed—if he had been in a different situation—and these were matters not to be thrown out of consideration by the jury—he need hardly tell them that as a clergyman he had no more privilege than any other subject in point of law. The defendant appeared before them, and manfully avowed that he was responsible for all that was published by him—that he was the real defendant in the action. No matter how many his correspondents, or respectable they might be, if any third person in the city was injuriously affected by what was published, he need scarcely say the proprietor or publisher of a newspaper was legally accountable. A large number of witnesses appeared before them, some of them parishioners of Partry, from this remote part of the country. They had heard them, and it would be for the jury to consider whether it had appeared that there was anything in their manner of giving evidence that would induce them to disbelieve the testimony they gave. Such of them as spoke English, appeared to him to be rather underrated as to their intelligence. They seemed to possess as much ability, and knowledge, and capability of expressing themselves and giving

their evidence as any other man in the same class in any other part of the country. Those who spoke only Irish appeared before them also, and they gave their evidence through an interpreter, and one of the jurors had the great advantage of being able occasionally to correct the translation of their evidence; but it would be for them to say, having regard to their testimony, had anything occurred in the manner in which they gave their evidence to disentitle them to belief. This speaking of Irish exclusively appeared to them as singular, but if they reflected for a moment it was not so. When they crossed over to Holyhead, they found numbers of men talking the Welsh tongue, and resolutely refusing to talk any other, and adhering to their peculiarities and characteristics with that tenacity which marked the Celtic race, living as they did in peace and happiness under the English rule. Those people who had appeared before them lived under the same beneficent rule in another part of the United Kingdom, and maintaining their peculiarities and characteristics, as they had a right to do. The only reflection that presented itself was, that possibly sufficient respect had not been at all times paid to the value of understanding that language—a means of access to their understandings and hearts. Mr. Butt had warned them against feeling any peculiar sympathy for them, and so should he (the Chief Justice). They were subjects of the queen, entitled to the same consideration as any other man in the community—no matter how high and wealthy. They were entitled to no more, and were entitled to no less. The learned counsel who had last addressed them, also pressed on them, with all the ability of which he was master, this consideration—that this action was brought to vindicate the private character of the plaintiff. He had told them that his personal honor and commercial reputation were affected by those libels, and therefore it became of peculiar importance to see how he had introduced his complaint to their notice. He would therefore call their attention to the summons and plaint, because it brought to their minds the statements that were complained of. Having then referred to the counts in the plaint, his lordship said that he did not see that Mr. McCullagh had alleged in any way that his mercantile character or reputation were injured. It would be their duty—and no men were more sensitive on matters of that kind than a jury of merchants, as they ought to be—if they found that the private character or reputation of a mercantile gentleman of undoubted honor and credit in the city, should be rashly impugned by any other person, no matter how respectable—the more respectable his journal, the more marked ought to be the resentment against such an unauthorized publication—to award such damages as they thought equitable. That being the nature of the complaint, he would remind them of the real defences that they were to try, and one peculiar plea to which he would call attention was most important. The defendant said that the management of the Port Royal estate by the National Building and Land

Investment Company had become, and was at the time of publication, a matter of great public interest and notoriety. That was one of the questions for the jury. The defendant also said that the words complained of were a fair and *bona fide* comment on the conduct of the said company and of the plaintiff as chairman, in reference to the management of the said Port Royal estate by the said company, and by the plaintiff as chairman thereof. That was the manner in which the defendant excused himself—that the words were printed and published as and for such comment, *bona fide*, and without any malicious intent or motive whatever. The issue for the jury then was upon the truth of that plea, and whether it was well founded in fact. The moment he presented that plea, a matter of really very great interest arose for their consideration. They would perceive that what the defendant alleged was, that he had commented upon the conduct of the plaintiff as chairman of the company; but, keeping for a moment to generalities, the conduct criticized was not unlawful conduct. It was conduct that might be pursued by a body of men such as the plaintiff represented—in pursuit, as they said, of what they called legal objects. The system of law or the system of government was said, by certain writers, to be a beautiful system of checks and counterchecks. Every man might go to law. The offices of that court were open, as they were aware, for any man who wished to commence a lawsuit. It was his right to go to law. It was not unlawful to assert his legal right, and though that was a perfectly legal thing to do, yet if, in the doing of that legal thing, he prosecuted a man, and that man might happen to be acquitted, if he had been prosecuted without reasonable cause, or maliciously, the fact of its being done under the forms of law would not excuse the prosecutor, and the very same law that permitted him to enforce its sanctions, would again permit a remedy against him if he had used the forms of law without probable cause and maliciously. The law of opinion existed here. The law of opinion was part of their law, and although there might be no legal redress for any tenant on the Partry estate, yet, if subject to the limitation, he would explain that the defendant had a right to publish or comment upon the conduct of a public body on matters that fairly concerned the public: then he was an assertor of the law of opinion, which was, in many instances, the only law that could afford redress to persons who might otherwise be without redress. No man could escape from the law of opinion; so that a body of men might pursue their legal rights in such a way, as they were pursuing them in a public concern, as to provoke comment and discussion, and they might meet those comments, which, if they were levelled at them in their individual capacity, would be defamatory and punishable; yet they were excused in the assertion of that law of opinion. They had heard a good deal said about that law of opinion, or the right to comment upon the conduct of public men; and it was better that he should dispose of anything he had to say on that

subject first. Fair comment on all public proceedings in which the people had an interest was privilegeable. So also was fair comment on the conduct of public men, fair and *bona fide* reviews and criticisms of books and literary productions of all kinds, also of artists, paintings, and works of sculpture, and the editor of a newspaper might fairly comment on the performance at any place of public entertainment, but if such comment be unjust and malevolent, or exceeded the limits of fair criticism, or contained an attack on private character, or imputations of bad or sordid motives, they would be punishable. This admirable system put a check on the assertion of that right or law of opinion, but still there was a check upon it. They had a right, no doubt, as they would say, to express their opinion on certain subjects, but the limitations were that the subject itself should warrant its publication, and that in the assertion of their right of comment and opinion they had not transgressed the bounds set by law to the assertion of that opinion. If they asked him what were those limitations, he must only look to them for the definition. There was no precise limit drawn by the law, and the matter was to be decided by the conscientious judgment of a jury. On a similar principle imputations upon the conduct of public men were privileged, if the jury found they were made honestly and with some reasonable ground. He must tell them why he had received all the evidence they had heard—not because justification was pleaded, for the defendant had not pleaded that all that was written was true. The reason he had received it was because it was all pointed to the fact that they were at liberty to consider, and must consider—was there reasonable ground for the publications upon the entire of which they were to pronounce a judgment? Then the authority said: “But it is not enough that the party making those statements honestly believed the imputations to be true. There must be some reasonable ground for the belief, otherwise zeal and fanaticism might induce a man without reasonable ground to impute the worst motives to another.” One instance he would mention was this. The management of a certain hospital was the subject matter of discussion, and a report was published by those who inquired into it, and a physician who felt aggrieved complained of the first sentence of the report, which stated that his conduct was arbitrary and tyrannical, and spoke of his complete inefficiency for every office in the college. The whole of the report with those prefatory observations were published in a journal, and published at a considerable length of time after it occurred. The chief justice stated to the jury who tried the case, that the question whether it was privileged would depend on the consideration of one or two points, the first of which was whether the report was a matter that it interested the public to know. A man had a right to publish for the purpose of giving the public information on that which it was proper for the public to know. Then the chief justice put it to the jury in these words: “Secondly,” he says, “if you are of the opinion that this was a matter which it concerned the public to

know, did the defendant publish it with the view to afford information upon matter in which the public were interested, and did he do so in the honest desire to afford information, or with a sinister motive." He said that it was the duty of a public journalist to bring before the public information which it was right for them to know, and to publish the report from beginning to end. Although the passage was so defamatory, yet, being connected with the rest of it, it did turn out that in that instance the jury acquitted the defendant for the publication, solely on the ground that it was for the public benefit to publish these matters, and that the publication related to a public matter. In another case, in which a medical man was offended at the publication of a certain book, the judgment was, that a public writer, in commenting on matters of public interest, was protected and excused, if the writing was with honest and reasonable moderation, and with self-control, and that he made no mistaken inferences or defamatory statements he could not sustain. Drawing mistaken inferences would not still deprive him of the privilege, if the occasion was public, the subject matter public, and that the complaint was not for the purpose of carrying out some malicious and sinister object. The first thing he had to draw their attention to, was the facts which had been proved to have existed prior to the publication of the earliest of these letters. The first letter was one of importance, because in looking into the conduct of the plaintiff, as they were bound to do closely in all these transactions, they should ascertain the state of affairs which existed at the date of the publication of each of these letters—the first in particular—and whether there were reasonable grounds for the strong comments on the plaintiff's conduct published by the defendant. The first thing they were to consider was, whether the subject was a matter for comment at all. The prospectus of the company had been given in evidence, and in it the company asked the public to subscribe a million of money to the undertaking specified, and which was stated to be of great advantage to the public. It would be for the jury to say whether, considering the object therein stated, that it was a matter of public interest, and in which they had a legitimate concern. Looking into the objects mentioned, he should say they were very laudable, and he might say that any plan for improving the dwellings of the poor in this city would be a most excellent object. Now, that document came from the plaintiff. It was a report, dated '66; and after stating how the company employed their capital, and the importance of extending their operations, it referred to the Partry estate. It said: "The importance of extending the company's operations for the purchase and distribution of land in Ireland, has received early and anxious consideration on the part of the directors, and they are happy to acquaint the shareholders that they have recently effected the purchase of a valuable property in the county of Mayo, consisting of upwards of five thousand acres, which the directors expect will prove a profitable speculation, and afford favorable opportunities for carrying into effect their wishes in giving deserving

and improving tenants fixity of tenure." He read that to them as he was bound to do; but he was not bound to explain what fixity of tenure was. Some public orators used the words without any particular meaning, but he gave it to them as it was—"by granting leases where practicable to do so; and to carry out those improvements which, whilst they are intended for the present or future advantages of the tenants, will materially improve the value of the land; and they have the pleasure of stating that the company's surveyor has just submitted a favorable report on the value and condition of the property, which will be read to you." His lordship then read Mr. Brett's report. The whole concluded with an appeal to the public and the shareholders for an increased support. He had read Mr. Brett's account with great interest, for it did not give in it an account of the miserable condition of the tenants such as existed in other parts of Ireland. He stated that he found the crops to be generally of an excellent quality, the tenants industriously engaged, the cattle and sheep in good condition, and the country altogether presenting a striking aspect of prosperity, strongly contrasting with the poverty he had witnessed in former years. It occurred to him one evening that he should the following morning have asked the very interesting question of how the rents were paid, and he believed what philanthropists and buyers all looked to was how the rents were paid. The answer he received was that the rents were paid punctually—in fact, there were no arrears, and therefore, as far as the tenants were concerned, it appeared that they had committed no crime. They had not been guilty of attacking the agent, surveyors, or landlords. They had maintained their engagement as they were bound to do, and in life a man who kept his engagements was respected. His lordship continued to read from Mr. Brett's report. Considering that the rents were well paid and the money given by the company for the estate, he thought the fact that the proposed rental of £1,100, as times went, would be a very handsome return for their money. A passage in that report would lead them to this quarrel, into which Mr. Lavelle had plunged with his usual ardor—namely, in which he referred to 500 acres of pasture land which might be let to tenants who had purchased stock, or to outsiders. His lordship said that the report was very creditable to Mr. Brett. In his second report he corroborated Mr. Lavelle with reference to the destitution in the spring of 1867, and said he found the tenantry well ordered and industrious. They had a full statement of what the company intended to do before the new rent was put on. The company held under an old church lease, which the bishops made in former times, if he might speak of a moribund corporation with respect. It was a rare thing for a bishop to run his life against a lease, and therefore they were renewed. The Ecclesiastical Commissioners, also a moribund body, had power to turn it into perpetuity, and recently had converted no less than twenty-four tenancies into perpetuity. He then came to a curious and critical part of the case, which puzzled him very much for some time

There was no instance in which it appeared a single tenant on this estate held a lease. They were all tenants from year to year. They had sworn that their fathers, and grandfathers, for generations, had lived there. Therefore they should believe that the observations made that tenancies from year to year afforded no security for the peaceable enjoyment of a man's property were very exaggerated, for in Ireland they would find thousands of families living in peace and comfort under tenancies from year to year, especially in Ulster, where they had trust and confidence in the honor of their landlords, and where tenants often refused to go to the expense of taking out leases when offered them. He (the chief justice) could not suppress a smile when Mr. Heron said what would be done on some estates in the north of Ireland if an agent were to go amongst the tenants and ask them to sign an agreement which they did not understand. He doubted whether anyone would have the presumption to do so. *Perhaps the tenants would not be so accommodating as the innocent people in Partry.* Tenants had legal rights, and could not be evicted without notices, and the law was very strict in respect of such notices. The tenants on the Partry estate were all tenants from year to year, having the legal right of such tenants. A very powerful argument had been addressed to them by the learned counsel who last spoke. He said, and with some degree of truth, that the company, whatever might be their intention, had not done anything to disturb any of the tenants. That might be true. But the jury were to consider what was the condition of this estate under the management of the company at the time of the publication of the alleged defamatory letters. His lordship referred to the agreements the tenants were induced to sign to give up their lands, and explained to the jury the effect of these. The law did not hold a tenant as surrendering his land unless the surrender was in writing. The law was wise in its provisions, and to prevent the frauds and perjuries which might arise by a man merely saying he surrendered his tenancy, the law required that surrender should be in writing. But no such surrender of a tenancy from year to year had been produced. How, then, could a legal surrender take place? If a tenant took from his landlord another agreement or lease, without more to do, that would be a surrender by act and operation of law of the first lease. The tenant held exclusively under the second, because having signed the second it would be inconsistent he should continue to hold under the first. Therefore, on the day that Philbin signed the second agreement to give up possession, his tenancy was at an end, and he ceased to have a shadow of legal right to his holding. It was said the intentions of the company were very good. But it was for the jury to consider, if there were 110 of these papers to give up possession signed by the tenants, what the intentions of the company were. It might be said it was done for the purpose of stripping. But did the tenants thereby part with all legal right to their holdings? He would tell them that in point of law they had, but whether the

tenants understood the nature of it or not was not for him to say. If it was explained to them, and that they chose to execute it, the law held them bound by it. The effect of the agreement to peaceably surrender possession was that the man who had been the tenant became the caretaker and nothing more. He had no legal rights. The tenants who had signed that were left without a shadow of legal right or title of any kind or description. They remained there as caretakers. They could not accept rent from them then, because if they did they would be again converted into tenants. It would be for the jury to say whether this was the most direct way of establishing the fixity of tenure which had been promised. (Laughter.) He would then turn to the alleged defamatory publications. Questions arose on those several publications. Mr. Butt alleged the publication reflected on the character of the plaintiff as a merchant. His lordship here read one of the letters referring to him solely as the chairman of the company. He epitomized the inference that could be drawn from the first letter. Was the statement in reference to the seizure of Philip Henaghan's cow, under the circumstances set out, substantially true? Next, having stated that particular case as a foundation for his argument, he rose into a general sphere, and expressed an opinion that there was not such oppression practised in Ireland for a number of years past. Making allowance for the excitement of the moment and the heat of argument, it would be for them to consider whether substantial foundation existed for the comment, and if so to what extent. They would visit upon the defendant the effect of any exaggerated, or unnecessary, or wanton expressions. When he said oppression, they would inquire was that oppression in regard to the management of the estate, and to what extent. They would ask, secondly, whether the general statements found in that case, and the others referred to in the letter, were substantially proved. He said about the mountain outlet that the tenants were deprived of it, and that it had been seized upon by the chairman and stocked with Welsh bullocks. They would have to ask was that mountain outlet as described taken possession of, or any part of it, by the manager, and was that charge substantially true. The article then went on to say that the tenants were oppressed. They would have to ask were they oppressed—were seizures made on the 2nd of November for rent due on the 1st—were promissory notes taken from them, and was possession demanded? He should say from the signing of these documents proved in the case, that to tell that the tenants understood the position in which they stood when they signed these documents was too strong. What Mr. Lavelle said was, that they were bewildered, and that a volley of notices to quit was served upon them. They would ask were these notices served, and was possession demanded. Mr. Lavelle then said that the sequel followed, and he (the chief justice) considered this to be an important statement—that the rents were raised from 10 to 40 per cent., and that the tenants were made to realize the sums charged before

they were submitted in possession. He then said that they were driven to distraction, and that Heneghan—his cow a prisoner at the bar of Chairman M'Cullagh—had resolved to quit the country. They would have to ask was that justice—a thing invented by a heated, extravagant writer in the country—about three rents being raised? Was that true in such a sense as to justify his appealing to the public in regard to the management of the estate and of Mr. M'Cullagh's conduct? Personally, he had only referred to Mr. M'Cullagh in a couple of passages, and it would be for them to say, whether he selected him as the chairman whose name was in the legal processes and to the authority to distrain, or that he singled him out from all the shareholders for malignant purposes. He said that the tenant was driven into the stripe, and that a new rental was made, and that was also mentioned in the document to which attention had been called. Mr. Lavelle said that that rental would enhance the market value of the estate when offered to a new purchaser. That looked like an inference that there was to be a new purchaser. Now, if the estate were handed over in that way, that would leave it open for the same operation to be practised on the tenants again, for, until they got some title, they had no security at all. They would have to ascertain, then, whether it was true that the chairman's cattle were feeding on grass for which the tenants were paying rent. Respecting the mountain, a word has to be said. If the old bishop who had granted the original lease—and who, he was sure, had long since gone to rest—if he had reserved in the lease a right of commonage, he would have a right to it; but when the whole was left to the tenant, the question arose whether the company was bound to serve notice to quit for the mountain, which they had not done; and there, it was inferred, they acted illegally. Another curious part of the case arose in regard to the interview between Major Knox and Mr. M'Cullagh. It constantly happened, that men of clear honor and veracity differed as to points of facts and dates. Mr. M'Cullagh, in assertion of his right, called on Major Knox to ask why he had published that letter, when the notices to quit had existed. Major Knox said he wished to have that set right, and told Mr. M'Cullagh to get his man of business to draw up an answer, and that he would publish it for him; and that if they wished to have the advantage of something in the shape of a leading article—which some people thought was valuable, while other people forgot those editorial articles sooner than they ought to be forgotten at times—he would instruct one of the editors to write one. The next thing he would advert to was the letter of Mr. Proudfoot, in which he stated that the letter of the Rev. Mr. Lavelle was utterly false, and explained the cause of distraining the cow, which he admitted took place on St. Stephen's Day, the day after Christmas Day. He described what had taken place, and a landlord might be perfectly justified in distraining under the circumstances; but the question was, was there anything unusually severe in that proceeding, and was it

approved by the proprietors? Mr. Proudfoot dealt with the processes, and admitted that he had to process some of the tenants, rather for the purpose of improving the behaviour of the rest, by showing that the company could not be trifled with. Then he turned round, and made a very strong attack on the Rev. Mr. Lavelle, and said that upon one occasion that gentleman had knocked down one of his own parishioners—a woman—and kicked her. That was a very strong statement; but Major Knox published it for him. He (the chief justice) should say, that looking at that letter as against Mr. Lavelle's, it was more than diamond cut diamond. (Laughter.) He did think that the passage in the end of that letter which he had read was a very strong one—one that, perhaps, in calmer moments would not have been written. But, strange to say, Major Knox published it. He did not mean to give advice to so able and experienced a journalist as Major Knox. He could only say that a publication of that nature was likely to produce a profitable harvest for the gentlemen of the law. (Laughter.) In a day or two after, the editorial article was written, and stated how Mr. Lavelle's letter had been published, and answered by Mr. Proudfoot, that the distress had been made on a comfortable man who was about to emigrate—that the controversy was one that should be decided in a court of law, and not in the columns of a newspaper—and then a panegyric on Mr. M'Cullagh and his brother directors. He ventured to say, if the matter rested there—after Major Knox had published Proudfoot's letter, and afterwards a leading article upon it—it might be difficult to persuade a jury to give damages upon it. If a person who thought himself aggrieved called on an editor, and told what he wanted, then obtained an editorial article, setting right his ground of complaint, he thought it would be rather hard to call on a jury to visit with considerable damages a proprietor who did what he was asked to do. The reason he thus went into the merits, and facts, and law of the case, was, that it was said the matter was opened up afterwards. Major Knox told Mr. M'Cullagh, when he called on him, that another letter was sure to draw forth a reply. He evidently knew the kind of man the Rev. Patrick Lavelle was—that he was only watching for an opportunity to publish—and he told Mr. M'Cullagh that he would be obliged to publish the reply. Mr. M'Cullagh, on being recalled, said no such thing occurred. However, that was a fact for the jury to decide—it did not materially touch the case. It happened just as Major Knox had said. Mr. Lavelle had published a long letter, in which there were only three or four lines selected as being defamatory of the plaintiff. That letter was called, "How to evict without notice to quit." The next letter Mr. Lavelle addressed to the *Irish Times* was entitled, "How to evict without notice." He first scolded the editor of the *Irish Times* for his exculpatory article, and he was disappointed that Major Knox should have written so plausible and reasonable an article upon the gentlemen who conducted the Association. He said he

thought the journal was partizan in publishing Mr. Proudfoot's letter. He said that it was a matter which should be considered in a court of law, and accordingly, so far as he was concerned, he determined it should be so, and with satisfaction to himself he got into law. (Laughter.) He said the *Irish Times* was an accomplice by reason of the article, and he set out a complaint of Mr. Proudfoot's letter. Mr. Lavelle took an objection—took the cattle belonging to Mr. M'Cullagh on Derassa mountain. It was for the jury to say whether the paragraph complained of by Mr. M'Cullagh reflected upon his personal honor or mercantile character or reputation, whom every person respected as a merchant and a gentleman. Mr. Lavelle said he never made any allusion to Mr. M'Cullagh save as chairman of the company. He said that the tenants were deprived of their mountain outlet, and their pasture was consumed by Mr. M'Cullagh's stock. He next set out a number of grievances, speaking very strongly of the case of Andrew Gibbons. In his letter he dealt with the management of the estate, and never spoke of Mr. M'Cullagh, though he seemed to have a grudge to his cattle being on the land; and it was for the jury to say whether there was reasonable ground for assuming and believing the existence of the matters stated as matters of fact. After that came the letter of the 5th of February, which was the gravamen of the case on the part of the plaintiff. Mr. Lavelle in that letter spoke of "the system of fleecing, in the shape of unnecessary law-costs and fines and penalties; of increased rack-rents, and the seizure of the people's grass without form of law," and the seizure of their turf-banks. He said that Mr. M'Cullagh appropriated the pasture from the tenants, and "who among the robbed dare resist the seizure?" It was argued for the plaintiff that that statement transcended the bounds of fair discussion. If it implied burglary to Mr. M'Cullagh it would be defamatory, but they must take it with the context. Mr. Lavelle said that the tenants were robbed of the grass, but it would be better, as Mr. Butt had said, that Mr. Lavelle was more moderate in the use of his pen. They must look at the phrase, and see whether it touched the personal honor or commercial fame of Mr. M'Cullagh. They next came to the letter that was addressed to the shareholders by Mr. Lavelle, only one paragraph in which was complained of; but it was a cardinal rule as to every paper, book, or document that might be laid before them, that they were to look at the whole of it. As was judiciously observed by a great writer, they might get the Scriptures to say "There is no God," if they did not look at the whole phrase, "The fool has said in his heart there is no God." It was not by one paragraph that they were to judge of the composition. His lordship read a portion of the letter, and the part complained of by Mr. M'Cullagh, with reference to the summons served upon Widow Gibbons, and then Mr. Lavelle spoke of what he called "a system of fleecing," and said that the tenants were at the mercy of Mr. M'Cullagh. It was for the jury to judge had he the tenants

at his mercy. He had explained to them that if the document existed they were all at the mercy of the company, and so far as that part of the matter was concerned it was true, but it was for them to say whether the statements were fiction or facts. Mr. Lavelle said that the demesne of Port Royal was in the possession of Mr. M'Cullagh, and complained of it, and that the tenant who had been in possession had been evicted, and had got no chance in competing for it. Money was expended on the house and offices, but the tenant was Mr. Proudfoot, and not Mr. M'Cullagh. Mr. Lavelle further stated that Mr. M'Cullagh paid no rent for Derassa, and that the tenants were assessed illegally. With reference to the parable of Nathan, all the learned counsel had addressed them upon it, and, no doubt, questions from the record of their faith had better be made with caution. They were always instructive if well applied; but they were not sitting to judge of the literary taste of anybody. Their duty was to consider if these statements were libellous and defamatory, and did they exceed the limits of propriety and reason. There could not be a doubt if the words meant that Mr. M'Cullagh was worthy of death, and that he was held up to assassination or anything of that nature, it would transcend the bounds, at once, of fair comment upon improper and illegal conduct, if it was illegal, of the chairman and company. The best way of understanding it was to read the story as it occurred. It was, like everything else in the book, of divine simplicity. His lordship then read the extract from the Old Testament, and said, so far as he could make out its application, Mr. Lavelle meant to say that Mr. M'Cullagh being rich had taken from the poor that which he ought not to have done, and if one could understand the conclusion of the parable, when David pronounced sentence, it was sentence on himself, though he did not know it, and they could understand this to mean that Mr. M'Cullagh would pronounce sentence on himself and make restoration as pointed out in the parable. If that were the meaning it was excusable, but if it meant to point him out to anything like death—if that could be held to be the meaning—of course there was no excuse for the publication. In that letter he spoke of "these robberies." That was very strong language. He did not say that they had plundered the tenants of their purses or cattle, but he described the management of the estate as robbery. The last letter was a summary of Mr. Lavelle's arguments, and it was for the jury to consider whether or not it gave a significance to the whole, or whether that particular passage with reference to robbery changed the commentary on a public matter, viz., the management of the estate, into a private assault upon the private character of Mr. M'Cullagh. Up to that time he had nothing before him to show that there was any legal right or title to these people. He observed that the people were told to sign, sign, sign. That was certainly proved to be true. Here was one of the documents, which was the climax of the whole. Whether these Irish-speaking witnesses—and certainly, as Mr. Brett had said, they seemed to be

every amenable to advice and direction—understand what they were signing, he could not take it on himself to say. If there was a question arising between one of these Irish speaking tenants and the company, and that the latter was binding him by his proposal, the tenant knowing the nature of the document he was signing, he should tell the jury, such tenant would be bound by that document, while the company would be bound to nothing. In reading over these documents it did occur to him that they exhibited a degree of skill superior to that of any ordinary provincial practitioner. Although the ultimate object might be right, the manner in which each document succeeded the other was very remarkable, and required considerable attention in order to understand them. He doubted whether Mr. Lavelle, when writing these letters, thoroughly understood the law on this matter. By this second document all the tenants were made mere caretakers. It was drawn up and printed in Dublin; it was called a tenant's proposal; and was sent down stamped to the country. This was then presented to those people who were marksmen. They could not read it, and must have depended on the honesty of the person who translated it to them. The dates were very interesting. The little document which made them caretakers was dated the 13th November, and the people remained nothing but caretakers, liable to be turned out at any moment, until they signed the document in February, 1869. That was a very curious position for men to be placed in from November to February, without any legal right whatever. It might be said, and he had no doubt they did, that the company meant to do what was right; but he was only taking facts as they appeared before the mind of the writer, and whether he had a right to comment on them. Now this document was dated the 16th February, and very adroitly, although he had been a caretaker, not liable to pay rent, it bound the tenant to pay rent from the very day that he commenced as caretaker, namely, as far back as the 1st November previous, on which his tenancy expired. A person would usually say to a caretaker, "I want my premises, but here it was said, "You must pay me for being my caretaker." It was a very curious thing for a tenant to propose all this. First the rent was nearly doubled; in one instance that which had been £1 16s. 3d. a year was raised to £3 16s. 8d. These men were said to propose what he believed no man in his right mind would propose. He was not to have a lodger; but some of these poor people would give a night's lodging for nothing. The poultry were not to be permitted to go into their house. He would not read all the limitations. They might provoke a smile; but a breach of any of them rendered the tenant liable to a fine of £10. Certainly, if those men signed that document, and that an action was brought against any of them, he should direct the jury that they were responsible for the fine. Well, the tenant having signed that, was no longer a tenant, but a caretaker. It gave him no right, and a person making such a proposal would not be tenant till the owner accepted rent and put his name to the paper.

He told them that at that moment any of the tenants who had signed that adroit paper as caretaker, and who had not yet paid rent, were no more tenants than any of the jury. He did not want to oblige the company to give fixity of tenure, but when a newspaper writer was brought before the jury for commenting, no doubt with considerable freedom, on these transactions, the nature of such transactions should be laid fully bare. He would leave the whole question to the jury to consider, namely, whether a newspaper writer, in commenting on these transactions, had transgressed that freedom of discussion on a matter which had reference to a public concern, for it touched 110 families, representing nearly 3,000 people. Well, such being the state of affairs, he would now shortly call their attention to the evidence. It was for the jury to say whether Mr. M'Cullagh had been mistaken for Mr. Proudfoot, and whether propriety had been exceeded. His lordship then referred to Mr. M'Cullagh's evidence. He said he had never seen the processes before, but he said he knew of the notices to quit, which he signed. He also admitted that he had put his cattle on the mountain, not having previously demanded any possession from the tenants. Was it fair to comment on that and on the notices and processes being served? Having read the evidence of the plaintiff, his lordship said it was for the jury to consider whether it lessened the case made on behalf of the defendant, or how it went to show he had been personally assailed in his private relations of life. Proudfoot was then examined, and the tenants, no doubt, entertained a different opinion from the opinion expressed by him. It appeared from the evidence that there was to be a new rental, but that rental had not yet been produced, and that was a very ticklish subject. The figures as to the valuation of the land were very material in considering the several allegations of the increase of rent. The evidence, no doubt, supported the assertion made in one of the letters, that the rent was increased far above the value. It was greatly to be regretted that the intentions of the company were not completed before the trial, because the intentions of a man could not be known to a public writer. He should be excused if he dealt with facts as they presented themselves. His lordship then proceeded to read in detail the evidence adduced both on behalf of the plaintiff and defendant. Then they had the evidence of Major Knox. He said that he published Proudfoot's letter before Mr. M'Cullagh complained, but Mr. M'Cullagh thought the letter was not published till afterwards. It was plain there was some confusion as to that, but there was no doubt Major Knox's recollection was accurate in the matter, because he was a business man, conversant daily with facts and dates. However, it did not at all affect the question in the case. Now, if the editor of a newspaper published an answer to any charge that was made in the columns of his paper against another person, then he was bound to tell them that it took away very much from the sting of what was a libel before. Having read over the evidence of Major Knox and Philip Henaghan, and

alluded to the documentary evidence introduced in the case. The lordship concluded as follows:—That gentleman, who makes the whole of this important case. I am in my opinion, after the lapse of time that has occurred, to read over to you my notes of the evidence, and for these reasons:—I have a great expectation that you have to consider a very important and a public matter—this company and the management of the Port of London. It is not impossible that you may have seen Mr. Farnham and was a public matter and a person of position to a large portion of the community, and by his statements and reports given to the public in printed language. This will be the first matter for your consideration. I would now like to consider whether what the defendant published be published fairly in regard to a public matter, having regard to what he has so published—whether he may have made a mistake, and drawn errors or inferences from what is contained to be the fact—still with the main object of being a matter of public interest before the public be published that he did—you may consider him excused. If on the other hand you adopt the view pressed on you by counsel at the other side, that while the defendant might discuss the conduct of the company, the operations of the company, and the management of the company, and comment even with severity on the several topics to which I have alluded and endeavored at great length to explain, that yet he passed the boundary of that free, manly, and sincere discussion, by charges which it has been stated by the learned counsel reflected on Mr. McCullagh, not only as chairman of the company, but on him as a gentleman of honor and a merchant of eminence in your city—if you can see your way to that latter conclusion, then, in my opinion, according to the law of the country, the defendant is responsible; but if, on the other hand, you believe in the language of the plea, that what he published he has published as a fair, free, reasonable, and truthful comment of a public matter, of public interest, in the assertion of that right of the privileges of the press—not an extravagant or licentious press, but a well organized press, guarded and guided by the laws of the country—if he published in that right, you may, if you believe his evidence, find a verdict for the defendant. If you find for the plaintiff the question of damages will arise, and that is a subject entirely for your consideration. The counsel for the plaintiff has told you that it was not so much for damages the action was brought, and on the first question at least the damages must be sounder at any rate. But it will be for you to consider whether the defendant has transgressed the limits of that fair and free right of comment, which ever will, as long as liberty lasts in the country, be, I hope, the right, and the fair and free privilege of the press.

At half-past three o'clock the jury returned to court, when

The foreman said there was no probability of them agreeing to a verdict in the case.

Alderman Tarpey—We are not all of that opinion.

His lordship—You have not long been considering the case yet. We are quietly proceeding with another case here now, and that is an advantage to you. I was afraid you would not like to come out until we were embarked in another case. (Laughter.) Is there any question on which I could assist you?

Mr. Nolan—I think we are unanimous on nearly all points, with the exception of the paragraph in the letter bearing reference to the child of death. Some of the jury are apprehensive that that is a very strong phrase.

•His lordship—Have you got the paper itself?

Mr. Nolan—We have not, my lord.

His lordship—The best thing for you to do is to take the written document itself and consider it.

Foreman—We have it all off by heart. (Laughter.)

His lordship—Take the paper itself and read the context.

The jury again retired, the paper containing the letter referred to being handed to them.

At twenty minutes past four o'clock the jury again came into court, and

The foreman said there was not the least possibility of their agreeing in the case—not the slightest.

His lordship (to the jury)—Gentlemen, is what the foreman states correct, that there is no prospect of your agreeing to a verdict?

Mr. Kenny—Not the slightest chance.

His lordship (to Mr. Heron, Q.C.)—Have you any desire on the part of the defendant to retain these gentlemen longer? They say there is no prospect of their agreeing to a verdict.

Mr. Heron, Q.C.—I will leave it entirely with your lordship.

Mr. Johnston, Q.C.—On the part of the plaintiff, I will leave the matter with your lordship.

His lordship—I should be glad, indeed, there was a verdict, because disagreements are very rare, indeed, in this court. Since I had the honor to sit here, I believe there was but one disagreement before—and that was whether a man should have 6d. or nothing. (Laughter.) I am very sorry, gentlemen, that you cannot agree.

The foreman—We have tried the case in every possible way.

His lordship—You are the judges of matters of fact, and if you tell me that there is no probability of your agreeing, and if the parties don't interfere, the best thing I can do is to discharge you.

A juror—Thank your lordship.

His lordship—But I don't discharge you altogether. You will have to be here again to-morrow. (Laughter.)

The jury were then discharged.

[There were ELEVEN of the jury for finding in favor of the defendant, Major Knox, and *one man* would not agree to a verdict.]

LETTER

TO THE RIGHT HON. E. W. CARDWELL,

ETC., ETC.

Dublin, 22nd April, 1861

SIR,—In the debate on Mr. Vincent Scully's question relative to the recent evictions in Donegal, you are reported to have said : "With regard to these wholesale evictions, they were happily now becoming **EXTREMELY** rare in Ireland ; but it was not possible to hear of a case of the kind without feelings of the greatest commiseration for those who were the subjects of it. There must have been many persons involved in the sufferings who could not have been parties to any guilty transaction."

In these observations there are two things which must be considered very widely asunder—one the expression of feeling, the other an affirmation of fact. In the former there is hardly a man in the community, with the instincts of a man in his bosom, who will not concur with you. "It is not possible to hear of those cases without feelings of the greatest commiseration." What then must it be to *witness* such terrible scenes? If the mere recital or perusal of such deeds makes the heart of every right-minded man sink within him, what would be his feelings at beholding with his own eyes their actual perpetration? Had you been in Glenveagh the other day when the *widow* and her six children were flung out of their humble home—when the thirty-six women and one hundred and twenty-one children made the hills echo with their shrieks ;—were you in Partry on the 21st, 22nd, and 23rd of last November, to behold a similar scene enacted, not by a Mr. Adair—a nobody, except in his purse—but by a man who signs himself "Bishop of Tuam, and Peer of Ireland"—by the Right Rev. and Right Honorable Thomas Lord Plunket—what would be the emotions that would arise within you? Let me tell you what I saw in Partry during those terrible days in which the "Bishop of Tuam" preached his gospel at the point of the crowbar. I saw a woman, Mrs. Tom Lally, dragged by the head and shoulders

out of her house, her bosom thus exposed, and her hair dishevelled. I saw her husband in the gripe of four men, dragged out like a butchered calf, and flung on the dunghill. I saw an old man, 80 years of age, and his wife, 74, tottering out of a house which had seen their great grandparents, and standing by with streaming eyes, amid torrents of sleet and rain, as the venerable roof and walls crumbled to the ground. I saw the young mother, and the babe at her bosom, linger on the threshold they were never to cross again. I saw the cradle, in which slept the happily unconscious child, carried out by the father, the rain beating with fury on the innocent brow. *I saw the pot of potatoes, intended for the morning's meal, taken off the fire and flung on the dung-heap.* In one word, sir, I saw extermination in its worst of forms, carried out by the "Bishop of Tuam and Peer of Ireland," and that under the aegis of her majesty's police and military. Well, the man who did all this, not alone still holds the commission of her majesty's peace, but even still wears the mitre conferred by her majesty;—not alone still claims, by letters of the lord chancellor, to dispense right and justice to others, but even by a mission from above, to teach the sublime and holy lessons of God's holy word, in which no lesson is so frequently or so earnestly urged as that "of doing mercy, and not persecuting the poor and broken of heart." Ah! sir, may we not well * "congratulate Lord Plunket that he is not bishop in the Roman States! To what accusations would he not then be exposed throughout England?"

Yes, sir; Lord Plunket, who, during three days of last November, evicted some sixty-nine souls, under the most heart-rending circumstances, is still a magistrate of that county, a bishop of that diocese, in which, as the *Times* has not hesitated to designate his conduct, he has been guilty of such a "HIDEOUS SCANDAL"—one so great that, rather than give the example of it, "he should have died by the ditch-side, or flung himself on the charity of his diocese." Not alone that, sir; but within the last few years he and his sister have, unheard, unfelt, unknown, unperceived by the world, evicted more than twice that number, with a list of whose names I shall close this letter.

So much for the evictions themselves.

Now for the grounds of that "Hideous Scandal."

Lord Plunket and his apologists have so involved themselves in contradictions, that, taking their statements together, no man living can say what was the real motive. Thus, the attorney, Mr. Martin, assigned "striping the land." Lord Plunket comes next, and in a letter vouches for the truth of reasons in which there is not a syllable about "striping." Next comes the agent, in a letter to the *Times*, with a series of grounds, which entirely exclude both those of Mr. Martin and Lord Plunket himself. Again, Lord Plunket himself comes forward, and, "on his solemn oath," swears that "striping the land, and Mr. Lavelle's

* Bishop of Orleans' Letter

acting as landlord," were his real motives, though, in the reasons "for the truth of which he vouched," there is not a word about either. Again comes the *Morning Post*, with a set of new reasons, either never before alleged, or expressly repudiated by Lord Plunket's agent: while, to crown all, Lord Plunket appears in person, for the third time, and writes over to the British ambassador in Paris, admitting the "hideous scandal" itself, but protesting motives partly similar to those of Mr. Adair; and designating, in French somewhat grating to the delicate ear of the Parisians, a "scaffolding of lies" every syllable of a sermon not yet preached by the illustrious Bishop of Orleans. But the worst feature in all this web of contradictions is the fact that though Lord Plunket has sworn that his object was to stripe (i.e., divide the land into separate lots), every perch of the evicted tenants' land had been striped four or five years ago, except two holdings! It is for Lord Plunket himself to reconcile his word with his oath, his oath with the fact, and either or both with the allegations of his over-zealous apologists.

But, sir, without extending into tedious details, let me mention a few facts.

Lord Plunket has established proselytizing schools in his property. To these he directed "all his tenants" to send their children. He conveyed his order in a printed notice, under the mild and modest form of "his earnest desire," which he declared "he would impress upon them at every opportunity," adding that "henceforth he would serve notice to quit before the first of May every year on all his tenants throughout the estate." The manner in which this earnest desire had been carried out was fully revealed at the Galway trial, upon the uncontradicted evidence of eighteen witnesses, in the presence of Lord Plunket and of his entire family. It was shown that incessant domiciliary visits, incessant threats of eviction, notices to quit, and banishment, were the simple methods whereby his lordship "impressed his earnest desire." The minister and the "ladies," his lordship's daughters, with people called "Scripture-readers and mission-teachers," never ceased going from house to house, demanding the children *on pain of eviction*. In their rounds they would force in doors barred against them, as they did those of Mrs. Honaghan, Mrs. Morrin—find men hiding from them behind boxes—pull out the tongues of children—tell mothers they "would have to beg" if they refused the children. The parents would hide, or make off to the fields—or, alas! what demoralization! make lying excuses—or keep their children naked—or hide them under the beds—or devise some other means of evading the "earnest desire thus impressed at every opportunity." These are no mere assertions of mine. They are the sworn and uncontroverted evidence of eighteen witnesses—and more, of sixty-seven, had not the judge and jury thought that abundant evidence was given of the facts at issue.

Well, these efforts were not without fruit. Some stoutly refused, *and they were evicted* ; some gave lying excuses, and they escaped for the while ; the rest yielded, *and were left undisturbed*. Lord Plunket never evicted a man who sent his children to the proselytizing school. Up to the period of my appointment, he evicted every soul who refused, and gave no hope of yielding !!!

The following is the list, with their actual families, including a few evicted by the Hon. Miss Plunket :—

John Durcan,	...	...	...	6 in family.
Widow Walsh,	...	...	...	5 —
Watt Staunton, jun.,	...	...	...	4 —
Martin Lally,	..	...	...	10 —
Matthew Lally,	...	...	...	9 —
Michael Smyth,	...	...	...	5 —
James Costelloe,	..	...	...	7 —
Thomas Boyle,	...	..	...	5 —
Austin Higgins,	...	...	...	6 —
Patrick Walsh,	...	...	...	6 —
Pat Staunton,	..	...	...	6 —
Widow Cain,	..	...	...	4 —
Michael Walsh,	..	..	..	4 —
John Boyle,	..	...	..	7 —
Pat Boyle,	...	...	...	8 —
Widow Walsh (2nd),	...	...	...	4 —
Thomas Lally,	...	...	...	4 —
Martin Lally,	...	...	...	10 —
Pat Murray,	...	...	...	5 —
Ned Joyce,	...	...	...	5 —
Pat Lally,	..	..	...	4 —
John Boyle,	...	...	...	8 —
Michael Cavanagh,	...	...	...	7 —
James Henaghan,	...	...	...	5 —
Widow Lally,	..	...	...	4 —
Michael Henaghan,	...	...	...	7 —
John Walsh,	...	...	...	3 —
Tom Quinn,	...	...	...	7 —

The above were all solvent, and most of them very comfortable tenants, not owing a farthing rent. Their places were given up to bullocks, to Protestant settlers, or to Catholics who sent their children to school. The list does not contain the names of the inhabitants of two whole villages, the Tourmakeadies, evicted by the bishop's relative, to enlarge his lordship's farm.

Now, the bishop may say, *and has sworn*, that it was not

on account of the schools he evicted those poor people. But there is the stern fact, *that up to this moment, he has not evicted a single man who sent his children; and that those who openly refused were driven away.* I leave the conclusion to be drawn by yourself.

Let me mention another fact or two. Seven tenants of the village of Drimcoggy, already named by me to the public, were informed of his lordship's earnest desire, but paid no heed to it, even after their neighbors had succumbed. They were threatened with "notice to quit." In vain. The notice was served. The six months were just expiring. The poor creatures took alarm at last, met together one night, discussed *the question of sending the children, or of suffering eviction. They decided on the former course, and were never after molested.* Others who at the same time refused, such as James Costelloe and Patt Staunton, were driven to the road.

Again, in the month of October, 1858, the agent, minister, and daughter, summoned a number of tenants together at the school-house. They were each asked separately to send the children. They refused, and were dismissed with a threat of eviction. Three days later, the same agent and lady came to the village and demanded the children "for the last time"—no answer, no promise; and on the spot the lady turned to the agent and directed him to come and take possession of the land next day, for that Lord Plunket would have no tenant who refused his children. *Next day the agent came, demanded the land, and at my instance was refused.* At the same time, he declared that the people should send their children to the school, and merited eviction for their refusal.

This was the whole of my "acting as landlord," a part I would act, I confess, again to-morrow under the same circumstances.

In his letter to Lord Cowley, Bishop Plunket asserts that among all the people evicted there was only one child of an age to attend school. This is simply false—absolutely reckless. The fact is, that since he began the work of proselytism up to the evictions, they had each, with one solitary exception, from one child to three children of that age, but by ludicrous shifts managed to escape the infliction of sending them.

Thus Martin Lally replied to the demand, the "earnest desire," for his child, that he was only three years old, when he was seven.

John Boyle, on the contrary, made his daughter out too old for school, and got a grown girl to personate her.

Michael Henaghan and his wife ran away from the lady and minister, leaving the child to make her own apology.

Michael Cavanagh put his daughter aside, and pointing to a cradle in which lay his little grandchild, replied, "Take the cradle and all." Yet, Lord Plunket ventures to assert that people

thus "earnestly desired," thus answering and thus acting, had no children at all!

Finally, as regards the reasons for which Lord Plunket "vouched," and those put forward by his agent, they were all *after-thoughts*—the fact being, that notice to quit and process of ejectment were served before the greater part of them had any origin in fact whatsoever. Thus, the first notice was served in February, 1859, the "notice" itself in April—all the allegations being of a subsequent date. Boyle lent me his cart in *July*, 1859; the Scripture-readers, after attempting to tear the scapular off Mrs. Murray's breast, were assaulted by her son in August, 1859. Harrison was murdered in February, 1860 (informations being sworn against the bishop's own servant). Thus, we see the value of the different pretences put forward, contradictory as they are, as a justification for the "hideous scandal!"

As regards the letter of Lord Plunket to Lord Cowley, is it not remarkable that its very second sentence is a misstatement? He says that, "*according to the terms of this advertisement*," the Bishop of Orleans was "to accuse" him (Lord Plunket), etc. Now, the fact is that the name of Plunket never appeared at all in the advertisement, which merely stated that the sermon was to be "*pour les pauvres Irlandais*." These are the very **TERMS** in which Lord Plunket's conscience read an accusation against himself.

Like Mr. Adair, Lord Plunket has demanded, *and obtained*, a large additional force of police, *three additional barracks*, in his property; and so far from being required to pay for them, he is actually a gainer; for he is paid rent for the houses, one being a house of his sister's—one his "mission school," or teacher's house—and, what a sad lot!—a third, his own lodge of Tourmakeady. But worse even, the additional police tax, which *he* should be made pay, as well as Mr. Adair, is levied almost exclusively on the unfortunate people, his own lands being—I don't know on what principle of law—exempted by the Mayo grand jury. In fact, there is a *cordon* of four barracks within about a mile of Tourmakeady, and what to do, if not to oppress the people, no one knows, for the "bishop" himself has not shown his face there these two years past—a melancholy reflection, that a dignity of any Christian Church should apprehend personal violence, the result of cruel and heartless conduct; that he should proceed to that conduct guarded by a posse of mounted police! May I not ask again, sir, how long is he to remain a magistrate and a mitred prelate?

As to your statement of "wholesale evictions being happily extremely rare," witness, in reply, Partry, Glenveagh, Erris, all in twelve months or so. They are indeed rare in comparison, for the work of extermination was well done at once; but are they not still of too frequent occurrence?

As you have not hesitated to give public expression to your

own sentiments on the subject, may we not expect at your hands some measure curbing the power of such men as the Adairs, Palmers, and Plunkets? It is idle to utter barren expressions of "commiseration" while the root of the evil remains untouched. Partry, Erris, Glenveagh, may be repeated to-morrow in every district in Ireland, according to law. Be logical, then, sir, as you are compassionate, and prevent for the future what your heart bleeds to behold.

I remain, sir,

Your obedient servant,

PATRICK LAVELLE.

THE WAR IN PARTRY.



TO

THE IRISH PEOPLE.

Mount Partry, Mayo,

Octave of the Feast of the Immaculate Conception, 1860.

FRIENDS OF RELIGIOUS FREEDOM,

A brief, plain, and unvarnished statement of facts relative to the case of Lord Plunket and his Partry tenants is, I think, most desirable at this moment, when seventy human beings are made outcasts by him in the land of their birth. This I am now going to offer; the *facts* which I relate being, for the most part, sworn and uncontradicted evidence before a judge of assize in this county, or else such as fall under each man's senses, and may therefore be tested at any moment.

The wholesale eviction of so many creatures would, under any circumstances, be something to move the pity of any man not bereft of the instincts of humanity; but the causes which led to the Partry evictions, and the agencies which brought them about, aggravate their atrocity a hundredfold. The causes were, *landlord proselytism*; the agencies, the landlord's (a bishop's) daughters, his missionary minister, Scripture-readers, agents, bailiffs, "notice to quit," and "process of ejectment." Since the moment the bishop became landlord, he let loose all these instruments among his tenants, and, as you shall see in due course, not without temporary success. The majority yielded to the terrible pressure; *and were left unmolested*; others resisted, *and were turned out*; others, in fine, were putting off the evil hour from day to day, until at length the crisis came on my appointment, *and no alternative was left them but submission or eviction*. For proof of all this I refer at once to the subjoined evidence, and beforehand I venture to say that no statements were ever more authentically sustained, than my propositions in this pamphlet, viz., "that Bishop Plunket has unscrupulously wielded his powers as landlord to prose-

by the children of his Catholic tenants—that he has actually evicted tenants for refusing to send their children to schools under the ‘Irish Church Mission,’ which his minister swore were intended to ‘bring the children up Protestants’—and that they who yielded only did so under threat of a similar fate.”

I ask no man to take a single statement on my own word. I give in *perpetuo* 1st. sworn and uncontroverted evidence; 2nd. facts patent to the senses of any one who may “come and see;” and 3rd. facts with names, and places, and dates, and to which I challenge contradiction.

Thirty years ago, then, Lord Plunket (then Rev. Mr. Plunket) came first to Partry as a tenant of three or four acres of land in Tourmakeady, under his brother-in-law, Sir Francis Blount. On these he built a shooting lodge. By degrees tenant after tenant was obliged to retire before him, until he became the occupant of all the two Tourmakeadies, heretofore occupied by some sixteen prosperous families. Subsequently, he purchased, in the Incumbered Estates Court, the property of which his farm of the Tourmakeadies formed part, and later, an adjoining property of Mr. Moore’s, of Moore Hall. The famine came, and with it, as all know, came the spirit of proselytism, and the onslaught on the people’s faith. Lord Plunket built two schools, and placed them, at once, under the Irish Church Mission. There was a national school in another portion of the property purchased by his sister. Charges of proselytism were made against Miss Plunket—an investigation long and laborious was held—and the school ceased to be under the National Board. Miss Plunket purchased the lease of it, and forthwith placed it under the auspices of the same “Irish Church Mission Society to Roman Catholics.” In these schools there were five teachers—three male and two female. We may therefore set them down as five distinct schools—two in Cappaduff, two in Drimcoggy, and one in Newtown. The latter, from the outset, was a perfect failure, as the bishop had not purchased that portion of the property on which it was built—so much a failure, indeed, that on my appointment to Partry, in October, 1858, I found only one Catholic child in attendance there, and for this attendance, so far from paying, he received a fee of two shillings and six pence a month. His name is Manion, the child of miserably poor parents, who are still in the place. Shortly after my appointment he ceased his attendance.

But the schools in Lord Plunket’s own property and that of his sister, Catherine Plunket, were no failures. In due course they were crammed with Catholic children; and now let us see the means adopted to accomplish this end. As I have said, the bailiff, the agent, the minister, the Scripturo-reader, the bishop’s daughters, and the “notice to quit,” were let loose on the trembling tenant, and who could doubt the result? In proof of this, let me now, at once, insert the evidence of the bishop’s and his sister’s own tenants, and those evicted by them, as recorded at the late Galway trial—“Lavelle v. Bole”—and given in presence of the bishop, his

daughters, his minister, agents, bailiffs, and the whole staff of proselytizers, when not even one of them dared to contradict a single statement deposed. I pray special attention to all this evidence.*

1. Michael Walsh (*an evicted tenant*) examined by Mr. Blake, Q.C.—I lived on the lands of Gortfree from my infancy, as did my father and grandfather; I left about four years ago and went to the lands of Ballybannon; my landlord in Gortfree was Mr. Moore, of Moore Hall; he is not the owner of the lands now; Lord Plunket is the landlord, and he came into possession about the time I left; I had a crop on the farm when I left it; I then went to live on another holding Lord Plunket gave me; I am not living there now; I left it about two years ago; it was Lord Plunket's land; possession was demanded from me several times by a bailiff, Robert Holmes, and by Mr. Faulkner; we were left in for twelve months after possession was first demanded, for my father was dying, and Lord Plunket would not turn us out until he died; I have two children; I have not sent either of them to those schools.

Mr. Blake, Q.C.—As a matter of fact, did any person go to you with respect to sending them to those schools? A Scripture-reader came and asked me to carry my child to school, and that I would not be turned out; I refused, and was evicted.

2. John Prendergast (one who had yielded), an Irish witness, was examined by Mr. Morris, through an interpreter—I live in the mountains of Partry; I know the Rev. Mr. Townsend; I have a kind of knowledge of the Hon. Miss Plunket; I am a tenant of his lordship; I am a Catholic, and go to Mass, and that is the way I intend to bring up my children; the minister and Miss Plunket paid me a visit one day; I saw them coming, and I put a basket over a box and stood behind it to screen myself; the minister came in and found me out; he told me the lady, Miss Plunket, was waiting at the door for me; she asked me would I send my children to school; I said I would not; that was about a year ago; as far as my recollection goes, I think it was before May-day; I got a notice to put me out of the farm; I sent my children to the school; I was afraid, for I had a long, weak family; I took them from the school; after that, a bit I eat didn't do me good, and I knew I had been acting contrary to my conscience and to God.

Cross-examined by Mr. Robinson, Q.C.—I never took a stone off Miss Plunket's house; I was not there, but my horse and cart was, and my son was with it.

* This evidence was given in an action for libel taken by Father Lavelle against Mr. Bole, editor of the *Mayo Constitution*. The case arose out of the Partry proselytism. Mr. Bole justified his libels on Mr. Lavelle by alleging that Mr. Lavelle libelled Lord Plunket and his family; and Mr. Lavelle, in reply, produced the sixty-seven witnesses to prove that he did not libel Lord Plunket, but that all he had ever written about his proselytism was TRUE, as the evidence eventually proved. The case occupied six days, and created the greatest excitement. The jury, being a mixed one, disagreed.

Did the agent, Mr. Faulkner, tell you that the reason you ceased to be a tenant on the property was, that you were concerned in removing those stones?

Mr. Morris objected to the question.

Court—Had you any conversation with the agent about this? I have no recollection about it more than that one day I went to the office, and he refused to take my rent from me. He never spoke about the stones.

By Mr. Robinson, Q.C.—I can't say whether that was before the ejectment or not; I signed a paper at the Castlebar assizes; I believe it was after that the rent was refused from myself and the other tenants; I am a tenant yet, as well as the rest of them; all that stood as good tenants, and didn't die, are there still. (*They are not there now, alas!*)

By Mr. Morris—I was served with a paper, which I gave to Mr. Blake; it was a notice to quit.

3. Sarah Prendergast examined by Mr. Blake, Q.C.—I am the wife of the last witness; I know the Rev. Mr. Townsend and the Hon. Miss Plunket; Mr. Townsend often visited me; I know the three schools that are in Partry; I have eight children; Mr. Townsend desired me to send them to the schools; I could not keep an account of it, he came so frequently; Miss Plunket also came to me about it; it is two years ago; I do not recollect how often she came; I sent the children to school, and took them away again; after doing so Miss Plunket and Mr. Townsend came to me again; Mr. Townsend said they would put us off the land if I did not send the children to school.

Not cross-examined.

4. Betty Kavanagh (one who had yielded) examined by Mr. Burke, Q.C.—I am the wife of Patt Kavanagh, who is a tenant to Lord Plunket; I know the Rev. Mr. Townsend; I do not know whether I know the Hon. Miss Plunket, for when the lady used to come to my house I used to go and hide from her; Mr. Townsend and one of the bishop's daughters came one day, and wanted the children from me to send them to the school; the lady also asked for them; it was Mr. Townsend told me what she said, for he speaks Irish; I said the children were not in; she asked me to send one of them who was within until evening; I said she was ill; the lady took up the child and told her to put out her tongue to see whether she was sick (laughter); the child put out her tongue, and the lady having looked at it, said it was worms was the matter with her; she then asked that the child should be sent to her the following day.

To Mr. Buchanan—My husband is here; we have a reasonable holding now; it belongs to Lord Plunket.

5. Catherine Moran (one who yielded) examined by Mr. Blake, Q.C.—I live at Cahereen; Lord Plunket is my landlord; I know Miss Plunket and Mr. Townsend; I recollect their coming to my house, about two years ago, several times; one day they came up, and, the door being closed, Mr. Townsend knocked; it was not

opened, and he shook it open, went in, and asked why they had not opened for them ; he then asked why I had not sent my children to the school, and said I would be sorry for not doing it ; I said I would send them when the other tenants sent their children ; I did send one of my children there for about six weeks through fear.

6. Catherine Henaghan (one who had yielded)—I am a tenant of Lord Plunket's ; often saw the minister and Miss Plunket coming to the village for children ; used always to run away and hide ; I saw him one day coming to the door after I ran away, and knocking twice, and when it was not opened he put his two hands to it and forced it in ; Miss Plunket was outside, leaning against the wall ; then I saw him through the window putting his stick under the bed.—(Objected to.)

7. Honor Kerrigan (one who had yielded)—I am a tenant of Lord Plunket's, and a Catholic ; the minister and Miss Plunket came one day into my house, and asked me to send my child back to school ; I had withdrawn it with all the rest before, and would never have sent it only through fear ; I refused them, and said I would rather take a bag and beg than do it ; the minister then said I would have leave to beg, for that no one would be in the land that did not send the children ; he said this after he spoke to the lady ; I believe he told me in Irish what she said in English.

8. Bridget Prendergast (one who had yielded)—I am a tenant of Lord Plunket's ; I sent my little boy to the school through fear of being turned out ; the minister and lady came twice before I sent it ; I hid first, and used to tell the little boy to hide ; the last time they came, Mr. Townsend said that if I did not send the little boy to school I would be turned away, and people put in my place that would send their children ; it was after we got "notice" I sent the little boy to school.

By Mr. Whiteside, Q.C.—My husband is at home, and we are all well ; I paid the last November rent.

9. Several other witnesses, tenants on different townlands, were examined, and proved other instances of the same character, of the visits of Mr. Townsend and the Hon. Miss Plunket to them, regarding the children, the schools, the services of notices to quit, and threats if they failed to do what they were told. One of the women stated that her husband was not examined, because the men used to be at work when the visitors came to the house. On cross-examination, she said a great number of them had gone to town together, and Father Lavelle told them to do what was right, and no more ; that was all he said.

10. Mrs. Gibbons (who had evaded), a very respectable looking woman, deposed that her husband is dead, and she holds his land ; Mr. Townsend and the Hon. Miss Plunket came to her house several times, but she always went out and took her children along with her, for she did not want to let them go to the school ; one day the reverend gentleman and the lady came and told her if she did not send her children to the schools they would get other

tenants who would do so ; she said she would not send her children there ; next morning the agent, Mr. Faulkner, came to demand possession.

Cross-examined by Mr. Buchanan—When the agent came he first wanted her children for the school, and then said something about their wanting to get the village striped ; I did not tell Mr. Lavelle about the matter, for he was present that morning, and he advised me not to give up possession ; I hold the land still.

Mr. Whiteside, Q.C.—And you will for a long time, after that candid admission. Go home, ma'am.

Mr. Morris—It might shorten the cross-examination when we admit that Mr. Lavelle advised them all not to give up possession, and so would I.

11. Patrick Coyne—I used to work for Lord Plunket. After we had all taken the children from school, myself, and Pat Kelly, and John Coyne, were sent for by the steward, and told to cast lots which of us would go through the village and gather the children, and bring them to the bridge, for Mr. Townsend and Miss Plunket to bring them to school. We refused, and were turned out of employment, and told to go home. I got no employment since.

12. John Coyne gave evidence to the same effect as Pat Coyne, regarding the dismissal of himself and other workmen in the employment of Lord Plunket, because they would not send their children to the Protestant school ; that was about Christmas, 1858 ; he previously got a stripe of land from his lordship, which he holds yet ; he paid the last November rent.

13. Sarah Walsh was produced and examined by Mr. Blake, Q.C., to prove evictions on the Hon. Miss Plunket's lands.

Mr. Sergeant Fitzgibbon objected to the evidence, but it was received subject to the objection.

Examination continued—Lived on Miss Plunket's property sixteen years ; about four years ago the land was taken from her, but she kept the house until two years ago ; Miss Plunket came to her three times about sending her children to the school ; on the May following her refusal to do so, she put her out of the land ; Miss Plunket asked her what objection she had to send her children to the school like every other person, and she said she would take the land from her if she did not send her child there ; met the lady frequently in addition to the three times she came to the house ; after taking away the land, she told her that she would let her in again, build up her house newly, make a yard and other improvements for her, if she sent her child to the school ; did not do so ; Miss Plunket told her that the teaching of the priests and the monks was that of the devil.

Cross-examined by Mr. Robinson—Her child went to the national school, but she could not say how long ; what Miss Plunket did was to take possession, stripe the land, and give her share to another person, who sent the children to the school ; sold drink in her house for six years ; there was no bad conduct carried on

there; did not hear that complaints were made of it; she was never told that the reason she was deprived of her land and house was on account of the improper characters she had assembled there; she would be let in again if she sent her child to the school; the house was burned since, but she had no notion who did it.

14. Mrs. Sally Quinn deposed that she had the pleasure of Miss Plunket's acquaintance for the last thirty-three years. (Laughter.)

Mr. Morris—Oh! never go beyond twenty-five; that is the limit, you know. (Laughter).

Examination continued—She was a tenant on her lands; her children attended the school, which was then a national school, until the teacher became a “convert,” and then she took them away; Miss Plunket told her afterwards that a great many of the other tenants were following her example in not sending the children to the Scripture lessons that were given in the school; she replied that she never would send them there, and she was turned out of the land soon after; that was in 1853; has been at Moore Hall for the last four years.

Cross-examined by Mr. Buchanan—Is not a turbulent person; the house she lived in was the same, she was informed, that was afterwards taken down, and the stones of which were carried to the monastery.

Mr. Morris—Oh! don't mind about that now; probably there was a presentment for compensation for it, like for the monastery schools.

15. James Costelloe deposed that he had been a tenant of Lord Plunket's, and was turned out of possession in November, 1857, after he refused to send his children to the school, when requested to do so by the land-agent and Scripture-readers; he was promised compensation for his land, but only got £2 out of the £7, which was the valuation put on it by the valuator to whom it was referred.

Cross-examined by Mr. Robinson, Q.C.—There was a clod of turf flung at the Rev. Mr. Townsend in the Main-street of Ballinrobe, when there was a great deal of shouting amongst the crowd; witness was accused for flinging the clod; Mr. Townsend came to him, and said if he would plead guilty to the charge he would intercede for him; witness therefore pleaded guilty, and was let out; on his oath he had not handled the clod of turf that day.

16. Pat Staunton—I was a tenant of Lord Plunket's; I was evicted because I refused to send my children to school; Holmes, the bailiff, told me if I would not send them I would be evicted; I answered I would not, that I would never pay Lord Plunket two rents—my money and my conscience; I was noticed to quit, and possession demanded of me; I was promised as much as it would cost to put me out by law, but never got a farthing; I am now under a good man, Sir Robert Blosse.

Cross-examined by Mr. Buchanan—Was never spoken to by any of Lord Plunket's people for abusing the scholars as they were

going to the school ; I was not told, if I did not behave myself, and let the children alone, I would be put out of the land.

Patrick Kavanagh stated that he was a tenant of Lord Plunket's ; that three years ago Holmes, the bailiff, came and told him if he did not send his children to the school he would be put out ; as he was afraid of being ejected, he sent his little girl ; the others would not go ; she remained at the school only a short time, as her two brothers dragged her out of it ; when she came home every evening they used to abuse her and call her "jumper."

Mr. Morris—A nice feeling to cause between brothers and sisters.

Cross-examined by Mr. Robinson, Q.C.—He held the land before Lord Plunket came into possession ; his part was striped to him ; he holds it yet ; no ejectment was brought against him.

Patrick Concannon and other witnesses gave evidence to the same effect.

18. Patrick Henchan deposed that he was one of those who were ejected at the last Castlebar assizes ; he holds the land under Lord Plunket still, but they would not take any rent from him since November last ; witness was brought to the schoolhouse before Miss Plunket, Mr. Plunket, Mr. Townsend, and another master, and was "tried" there by each of them (laughter) ; Miss Plunket asked him how many children he had, and he said six ; she told him to send them to the school, and said that no person would be on the estate who would not give an education to their children, and send them to the school, and that she had been asking for the children for fourteen months ; told her he would not go against his conscience and his creed ; did not send them to the school, thank God (tears in his eyes).

Mr. Bourke—My lord, we have in all sixty-seven of those witnesses.

Court—I suppose it is the same evidence all are to give ?

Mr. Bourke—Yes, your lordship.

Court—Oh ! then I really think we have enough.

Mr. Bourke—Very well, my lord. Then we will examine the reverend plaintiff.

Here, then, have we in sworn, solemn attestation by eighteen witnesses, uncontradicted in a single instance, the means employed by Lord Plunket to proselytize the children of his tenantry. We see that incessant visits from the ladies and minister, etc., etc.—threats of eviction—service of "notice to quit"—breaking open doors—hygienic examinations of the tongues of children alleged to be ill—poking under beds—were the means employed by these emissaries of the bishop ;—while, alas for honor ! lying excuses—running out of their houses—hiding themselves and their children—were the shifts adopted by the unfortunate tenants to evade what to them was next to death, the sacrifice of their children's faith. These were only *eighteen* out of *sixty-seven* witnesses who were present under *subpœna* to testify

to similar proceedings in regard to themselves. But as their examination would prolong the trial indefinitely (a trial which occupied six days), and as their evidence would be only a repetition, in their own regard, of that already given, the court thought it might be dispensed with by my consenting. Now the bishop was a listener to every single word. His very presence, as he sat beside the judge gazing down on his unfortunate victims or dependants, while they calmly and conscientiously gave their evidence, might be enough to terrify them into silence or worse. But no. With the fear of God before their eyes—in the very presence of their landlord and his several agents—they deposed to those harrowing details; and though challenged again to explain his conduct, the bishop never opened his lips. Himself, his daughters, sister, minister, agent, were summoned, expressly *subpanaed*, that they might be there to deny, if they dared, the facts sworn to against them. They did not—for they could not; and thus judgment went by default.

There are other facts which have not appeared in evidence, but which I give, with the names of the parties.

1. The minister and the "daughters" came one day into the house of Mr. William Cavanagh in search of children. Mrs. Cavanagh saw them approach, and at once seized a child of hers that happened to be within, and hid it *between the feather bed and the mat*. There the poor child remained during a long colloquy between the mother and the missionaries. When they at length left, the mother ran to the bed, extricated the child, and found it *livid* in the face, and nearly suffocated; yet the poor innocent, from an instinctive horror of the schools, would not utter a cry.

2. The same woman kept her children twelve months almost in a state of nudity, that, if caught within or about the house, they would not be forced to school. The effect of this was that their skin became *parched up, withered, and scaly-like*. This will yet be proved in evidence; and, in the meantime, any one who questions the fact has only to come to Partry, call on William Cavanagh's wife, and test himself the truth.

3. All the mothers of young children in Cappaduff, Miss Plunket's property, were obliged themselves to assemble, together with the children, at an appointed rendezvous, and thence to conduct them to school. Two of those had to *carry their children on their backs*, they being too young to walk.

4. I myself saw Dean Plunket, on the 4th January, 1859, with two bailiffs, going to the house of Patt Walsh (*Roe*), take out his daughter, raise her over the fence of Lord Plunket's plantation, and thus conduct her by a back way to the proselytizing school. I swore this in presence of Dean Plunket, and of course he dared not contradict me.

5. A Scripture-reader of the name of Donnelly pursued me, one day, after my appointment, into the house of Patt Kavanagh, acknowledged that he did so to prevent the parents promising to withdraw their children, and there, in presence of several, called

me a *devil*. This favorite appellation he bestowed on me a month afterwards in the house of Michael Whelan, in my own presence, and a third time in the house of Mrs. Murray.

This leads us to glance at the character of some of the agents employed.

The Rev. Mr. Townsend, superintendent of the proselytizing schools, thus deposes at the same trial: "Mr. Lavelle asked me was he Antichrist, and I replied, 'No, but I believe you to be a minister of Antichrist.' I still believe him to be a minister of Antichrist.

"Mr. Morris—Do you swear, sir, before the court and country that this reverend gentleman (pointing to Mr. Lavelle) is a minister of Antichrist? I do, on the principle that ———

"Mr. Morris—Oh! none of your principles. You persist in swearing before a Christian and Catholic world that a Catholic priest is the minister of Antichrist? I do; for the Lord hath said, 'He who is not with me is against me.' *I asked Mr. Lavelle was he married.* I knew he was a priest and unmarried. I was giving proofs of the apostacy, and quoting from St. Paul, fourth chapter, when he says—[interrupted]. The object of the Church Mission Society and schools is to bring up children Protestants.

"Mr. Morris—And is that the school to which my Lord Plunket there (pointing to the bench) proclaims to his tenantry his 'earnest desire' that they should send their children? Yes.

"A school the object of which is to bring them up Protestants? Yes.

"Mr. Morris—Good God! what a landlord!

"Mr. Townsend—All my schools are under the Irish Church Mission Society to bring the children up Protestants."

I was only a fortnight in the parish when himself and another missionary met me, as I was returning from the discharge of some parochial duty, on the public road. I there had a challenge to controversy flung at me (the bishop's daughter, as I believe, looking on), and on my declining the honor of entering the lists, Mr. Townsend told me, what he himself has sworn, that I was "the minister of Antichrist," and then, out of a thought, asked me "*was I married.*" This conduct I reported to the bishop the same evening; and next day got a reply to say that he quite approved of it, and that he would always "encourage" such a spirit on the part of the "clergymen of his diocese."

Such is the character of the man whom Lord Plunket would have the instructor of his tenants' children—such the schools to which he would have them resort—such the conduct "encouraged" by Lord Plunket himself.

As to the other characters employed by Lord Plunket—one of them, a Scripture-reader of the name of Donnelly, swore in Ballinrobe and Claremorris that he himself was a *saint*; having called me, on the other hand, on two occasions, to my face, a *devil*. Another of them, O'Donell, in *my hearing*, and while he was demanding the children of William Cavanagh, told Cavanagh's wife

in her own house, "the Blessed Virgin was a sinner, and no better than any other woman!" It is with such instruments, aided by the crowbar, that Lord Plunket would work out the "conversion" of his Partry tenants.

Now, Mr. Townsend swore I was the minister of Antichrist. In turn I gave the following evidence:—

"Rev. Mr. Lavelle—He then told me I was the devil, and put out his tongue at me.

"Cross-examined by Mr. Sergeant Fitzgibbon—I never spoke to Lord Plunket in my life; I never saw any tenant of his turned out on the road, except Tom Thornton and his family, who were thrown out with their bed on the road about May twelve-months; I saw them on the road, but I did not see any one in the act of turning them out; they made me weep at the scene.

"Serjeant Fitzgibbon—You do not approve of the doctrines taught in these schools?

"Witness—Of course not.

"Serjeant Fitzgibbon—You consider these doctrines damnable?

"Mr. Lavelle—No; I believe them to be erroneous; but I would be very sorry to call the doctrines of any Christian community damnable (signs of approbation in court).

"Serjeant Fitzgibbon—Then would you consider them anti-christian doctrines?

"Father Lavelle—That question is equivocal, and I therefore cannot give it a categorical answer; please to explain, Serjeant Fitzgibbon.

"Serjeant Fitzgibbon—You must answer it, sir! are these doctrines antichristian?

"Mr. Lavelle (to the court)—Your lordship, I have said that the question being of an equivocal character, I cannot answer it by a simple "yes" or "no;" let counsel explain; I shall answer it freely and frankly.

"Court (to Serjeant Fitzgibbon)—He says he cannot answer the question in the shape proposed; so you had better explain.

"Serjeant Fitzgibbon—Let him explain it himself.

"Mr. Lavelle—Then, my lord, by "antichristian doctrines" he means either the doctrines of Antichrist, or doctrines not taught by Christ; if the former, I say they are not antichristian, as those of no Christian Church should be thus designated. If the latter, they are—as, of course, to be consistent, I must maintain that they are—not in their entirety the doctrines of our Lord (approval in court).

"Serjeant Fitzgibbon—Are they then Christian doctrines?

"Mr. Lavelle—Yes, they are.

"Serjeant Fitzgibbon—Are they *saving* doctrines?

"Mr. Lavelle—Not in their entirety—several are. I am sure that Protestant laymen and clergymen believe in them, and I respect their belief, and only claim for my own a similar respect and toleration.

"Do you think the persons you call 'jumpers' believe in those

doctrines? To answer that frankly, I must say I think the persons who go under that name in this country do not sincerely believe in them; of those who go by the name of 'jumpers,' possibly some may, but they are very rare, by 'jumper' I mean a poor person who has bartered the faith he believed in for a different faith, for the sake of some worldly advantage, means or money; I do not believe that there are any persons 'jumpers' who were born Protestants; I confine the name to a person who was once a Catholic, and then turned."

In October, 1858, I was appointed to Partry. My first care was to soothe down the feelings of Lord Plunket, and by gentleness and charity to bring him to a liberal state of mind. For this purpose I wrote to him, on the 11th October, a short note begging of him to leave the poor tenants liberty to bring up their children according to the rules of their own Church and of their consciences. In a few days he sent me an ambiguous reply, in which he insinuated that the people *freely* sent their children to his schools; for he said they had "chosen" to do so. I rejoined in a short note, expressing my great satisfaction at the purport of his lordship's letter, and a hope that the letter would be only "the harbinger of peace and harmony between all denominations in the parish for the time to come." To this he replied, in prompt haste, that "I labored under a misapprehension as to the meaning of his letter; that he bound himself down to no particular course as regarded the education of his Catholic tenants' children; and that he would pursue the same course he always did; and was the best judge of his own affairs." He concluded by saying that that letter of his should terminate our correspondence. However, I replied that "my apprehension of his meaning was, that he left his tenants liberty of conscience—and was it possible I was wrong in that?" Of course I got no reply in words, but I soon saw that I did "labor under a misapprehension," for the daily rounds of the minister and the bishop's daughters, with bailiffs and Scripture-readers, became doubled among the villages and houses, and no apology would be taken from the parents; the fearful alternative being sternly left them, either to send the children or quit the land. I beg to refer you back to the evidence in Galway, while I here insert the correspondence referred to.

Correspondence between Lord Plunket and the Rev. Mr. Lavelle in reference to the proselytizing schools:—

No. I.

"To the Right Hon. and Right Hon. Lord Plunket,

"Partry, October 11, 1858.

"MY LORD,—I take the liberty of addressing your lordship on a subject that deeply concerns you and me, and many of the Catholic inhabitants of this parish. Being now entrusted with the moral

and spiritual training of its Catholic population, I am bound to feel a particular interest, as I am to exercise a particular vigilance, in whatever appertains to this training ; and your lordship will be free to admit that nothing more intimately regards it than the education of the parochial youth.

“Now, my lord, you have established in the parish schools conducted by Protestant teachers, and, of course, on Protestant principles. To these schools I am informed [*the tenants themselves were after telling me*] your lordship's Catholic tenantry are coerced, under threat of eviction, to send their little ones. Some, I am told, have been already evicted for refusing to comply ; some have yielded to the coercion, against the promptings of conscience and the dictates of their religion ; and several, who have hitherto held out, now find themselves in the cruel alternative of either giving up their children to your lordship's teachers, or of being, themselves and their children, driven, helpless, homeless on the world.

“I love to think your lordship is not fully aware of this sad state of things, and I therefore feel it my duty to inform you that the poor tenantry are visited again and again by ladies (of whom I wish to speak in terms of perfect respect and courtesy), and commanded, under the terrible sanction referred to, to submit their little ones to the training of your lordship's teachers. I trust to your lordship's sense of fair play—to your love of perfect liberty, to leave the children of your Catholic tenantry to the training of the Catholic teachers provided for them.

“Reverse the case and circumstances. Let us for a moment exchange positions. Would not your lordship be the first to reprobate and denounce any attempt on my part to force a Catholic teaching on the Protestants committed to your charge ?

“For the rest, I beg your lordship to accept my assurance of being disposed to cultivate the relations of Christian charity with your lordship, and I once more trust that nothing will interfere to prevent its growth and progress.

“I have the honor, &c.,

“PATRICK LAVELLE.”

To this the bishop replied on the 18th, in a polite note, in which he spoke of his tenants having “chosen to send their children to his school.” The reply I looked upon as an evasion ; but I pitched on that word “chosen,” and from it drew my own conclusion, that he meant to leave his tenants at liberty. Under these circumstances I rejoined as follows :—

No. II.

“Partry, 22nd October, 1858.

“MY LORD,—*With much pleasure* I beg to acknowledge your lordship's reply, of the 18th inst., to my communication of the 11th. From it I am led to understand that it is not your lordship's

wish to force the children of your tenantry to your lordship's schools, and that hitherto you only accommodated "those who have chosen to avail themselves of the benefits offered to them in those schools." With the past I have nothing to do; and this intimation on the part of your lordship will, I trust—I am confident—be the harbinger of peace and good feeling among all parties in this parish. We all wish for perfect liberty of conscience. Wherever this is accorded, peace and charity generally prevail among different religionists; wherever it is denied, disorder and religious rancor are the natural fruits.

"Again, my lord, I trust that, for the future, it shall strike deep roots in this parish, and that its fruit shall be *love and harmony among all denominations of Christians*.

"I have the honor, &c.,

"PATRICK LAVELLE."

Here, then, had the bishop a wide field for that "open palm and gentle pressure" expected from him by the *Times*. Here had he an ample opportunity of retracing his steps, or rather of keeping his peace; while, instead, what does he do? He sits down at once and writes me the following curt note, to say I "labored under a misapprehension" in my interpretation of his letter, and, on his side, putting an end to our correspondence. Here is his letter:—

No. III.

"Tourmakeady, Hollymount, Oct. 29, 1858.

"REVEREND SIR,—I beg to acknowledge the receipt of your letter of the 24th instant. Lest you should labor under any misapprehension with regard to the meaning of my letter of the 18th instant, and suppose, as I fear you do, that I thereby bind myself down to any restricted course of action as regards the education of my Roman Catholic tenants, I beg leave to refer you to my former communication, in which I merely state that it is my intention to persevere in the same course of just consideration for the welfare of my tenants which I have hitherto pursued, and with regard to which I feel myself in every way fully competent to judge. I trust this explanation will render any further correspondence unnecessary.

"I remain, &c.,

"PLUNKET."

Here, now, have we it under the sign and seal of the bishop himself:—First, that I "labored under a misapprehension" when I interpreted his first letter as intimating that his tenants were not "forced" to send their children to the schools; second, that he would pursue the "same courses" he always did; and third, that this correction on his part of my apprehension was to terminate our correspondence. Though arguing such a case

would seem like arguing that two and two make four, let me make one or two reflections on the whole matter.

Then, either the tenants enjoyed the *liberty* I asked, or they did not. If they did—why should Lord Plunket say I labored under a “misapprehension” when I supposed they did? If they did not, then my whole case is established by one stroke of the bishop’s own pen. But that they did not, either before or after this correspondence, I have sufficiently established. By the *evidence of his own tenants* I have shown the liberty they enjoyed previously. By the same evidence and the conduct of his daughters, nephew, minister, and agent, in Drimcoggy school and Gortnacullen, I have abundantly established for the time subsequent. So that, in reality, the bishop did pursue the same course (of “just consideration”!!!) for the welfare of his tenants both before and after.

It was some time after this I wrote to complain of the conduct of the minister, who, in the public road, called me a minister of Antichrist, and asked me was “I married.” As I have said, he replied that he quite approved of their conduct!!!

Lastly, on Christmas Day, I wrote to him the following letter, which I hoped might soften him, or produce some change in his stubborn resolve:—

No. IV.

“Partry, Christmas Day, 1858.

“MY LORD,—Contrary to an intention which I had formed, in accordance with your lordship’s wish, I now beg to address you, the great day of peace on which we have entered suggesting such a course.

“In the name, then, of the heavenly peace announced to us on this blessed day, I pray you, my lord, to put an end to the unchristian war carried on in your lordship’s property under the sanction of your honored name. Your tenantry are persecuted for conscience’s sake, as no others in this or any other kingdom of Europe are at this moment. Your daughters (whom I wish to name with all consideration), with bailiffs, Bible-readers, and proselytizing teachers, are going about harassing the wretched people beyond all endurance, for their not violating the sacred laws of conscience and their Church in sending their children to the proselytizing schools. In the name of peace—of that God of peace whose birth we all commemorate with love and gratitude on this sacred day—let this have an end. Your lordship would sacrifice life and all before allowing your own children—these very ladies—to be brought up in a faith opposed to your own. Allow, therefore, the poor peasant, who has the parent’s heart no less than the peer, allow him the natural right in his own and in the faith of his fathers. Allow us, my lord, to enjoy a little of that heavenly ‘peace.’

“I have the honor, etc.,

“PATRICK LAVELLE.”

On the following morning I got that letter back, signed in the bishop's hand, "returned unopened"!!! But, as certain am I as that I write, that it was opened by somebody; for I found the adhesive portion of the envelope broken, and, besides, I wrote in a disguised hand, and had the letter posted at a distance, to make sure of its reaching its destination, as I had been told that it was in danger of being intercepted if known to have come from me.

But, however this may be, about which I merely offer an opinion, that letter and the others sufficiently prove my anxiety for "peace" and "harmony," and that for all the heart-burnings that have since been created, the bishop, by "pursuing the same course he always did," is before God and man responsible.

However, he now sees the consequences, in the universal cry of horror and indignation raised against him by every honest man of every class and mind in the country. Such was the manner in which I endeavored to conciliate the proselytizing bishop—such the way in which he met my approaches.

Here dates are all-important. Be it remembered, I wrote my first, and *very conciliating*, letter to the bishop, on the 11th of October, 1858. He replied evasively on the 18th, I rejoined on the 22nd, expressing my delight "that this intimation of his tenants being under no coercion as regarded the schools would be the harbinger of peace and good feeling among all parties in this parish, and that its fruit would be love and harmony among all denominations of Christians." He again responded on the 20th, saying that I labored under a misapprehension with regard to the meaning of his letter, and that that explanation should render any further correspondence unnecessary. This letter at once opened my eyes, but the practical commentary it was then actually receiving left no doubt on my mind. I now crave attention to what follows.

One village, Gortnacullen, had hitherto held out on the plea of its distance from the school; but no excuse would now be taken. Mr. Townsend, young Mr. Plunket, the daughters, and the agent, assembled in the school of Drimcoggy towards the end of October, 1858, sent for the tenants, called to each separately, demanded the children, and were refused. They were then and there told to prepare for eviction. (*Vide* the evidence of Pat Henaghan, one of the tenants then assembled.) A few days later, October 30th, the agent, bailiff, and daughters, came to the village itself, again assembled the parents, demanded the children, got no answer, and then and there did the amiable "apostles in petticoats, missionary ladies in crinoline and gauze" (as Mr. Bourke has called them), order the agent to come next morning and take possession of the land, for that "Lord Plunket would have no person on his land who would not send his children to the schools." Next morning the agent did come and demanded possession. I advised the people not to give it. The agent then said something about "striking the land." This I knew to be the merest subterfuge, and at once said to him: "Oh, sir! if you

" LORD PLUNKET AND HIS TENANTS.

" March 15, 1860.

" An arrangement of a very satisfactory character has happily been entered into at these assizes, by which it is hoped that all the bickerings and annoyances between Lord Plunket and his tenantry are put an end to for ever. In the Record Court there was for trial an ejectment against one of these tenants (the result of which rules sixty other cases), and in which a consent for judgment was by arrangement entered by defendant's counsel, the counsel of Lord Plunket undertaking that it should not be acted on either against the defendant or any others of his tenantry, his only object being to stripe the land, and not to disturb or evict any of them, except two or three disorderly characters: also that he would not seek the costs of these proceedings, and would not for the future permit any interference with the children of his tenantry, or require them to attend his schools in Partry. Counsel on both sides expressed their satisfaction at this result, and his lordship (Mr. Justice Hayes) concurred in these observations, and stated that he was happy that these proceedings had terminated so amicably. In consequence of the foregoing arrangement, and for the purpose of further promoting harmony and good feeling in the district, the Rev. Mr. Lavelle came into the Crown Court, and by his counsel withdrew his prosecution against the Rev. Mr. Goodison for presenting a pistol at him and threatening to shoot him, and a *nolle prosequi* was entered thereon.—*Freeman's Correspondent*."

" MR. GRIFFIN'S LETTER.

" *The Partry Case.*

" Court House, Castlebar, Monday.

" I hasten to apprise you, and through you the public, of the happy termination of the ejectment proceedings at suit of Lord Plunket, against his Partry tenantry, pending at this assizes. The cases have this moment been settled on the most fair and equitable terms to all parties, and on conditions affording gratification not only to those immediately concerned, but also to the vast numbers who were to witness the trial. Lord Plunket arrived here this morning, and immediately after, by the advice of the Rev. P. Conway, P.P., Headford, a memorial, signed by the several defendants, was addressed to his lordship, praying him to consider their case, and not to evict them. I am happy to be enabled to inform you that Lord Plunket received the memorial in the kindest manner, and the cases have terminated by the attorneys

for the tenants—namely, Mr. D. E. Blake and myself—and his lordship's attorney signing a consent for judgment without costs, his lordship's leading counsel, Mr. Robinson, Q.C., having stated in court that he was glad to find that the tenantry were so well advised, and that he was happy to say, on the part of Lord Plunket, that he would not evict, out of the fifty-nine ejectments brought, more than one or two, who were particularly obnoxious to his lordship (if any). Mr. Blake, Q.C., one of the leading counsel for the tenants, expressed the pleasure he felt that the cases were so happily terminated through the timely intervention of a kind friend of the tenantry. This kind friend was the Rev. Mr. Conway, who nobly sustained the Rev. Mr. Lavelle and his people during this unequal struggle. The learned judge congratulated the county and the public at large on this amicable arrangement, and hoped it would be the means of restoring peace and good order in this county, and said he was sure while Lord Plunket desired to maintain the rights of property, he was satisfied that Lord Plunket would discharge the duties that devolved on him as a landlord, and would act considerately towards his tenantry. There was a considerable amount of excitement and anxiety felt in the cases, and for the ultimate fate of the tenantry, but now all is tranquil, and the people have gone home happy and rejoicing.

"I am, dear Dr. Gray, yours sincerely,

"JOHN GRIFFIN."

From the Mayo Telegraph of March 16, 1880.

"Mr. Morris (one of the people's counsel) informed his lordship, that, happily for the peace of that disturbed portion of the county, a most amicable arrangement had been made in the other court during the day, at which *Mr. Justice Hayes expressed his most hearty approval*. The arrangements were to the effect, *that the people were not to be disturbed from their holdings; that they be not required to send their children to the proselytizing schools any more, &c.*

"Mr. Morris then stated that true bills had been found against the Rev. Mr. Goodison for an attempt to shoot the Rev. Mr. Lavelle; that, in consequence of the turn things had taken, Mr. Lavelle, in order to complete the amicable arrangement, was anxious to withdraw the charge, and let the prosecution cease.

"Mr. Armstrong, on the part of the crown, said, from the general disposition manifested to restore the peace and harmony so much wanted, he thought the ends of justice would be best promoted by yielding to Rev. Mr. Lavelle's request, and he would therefore enter a *nolle prosequi*.

"Thus ended the Partry war in a manner, we are happy to say, highly creditable to all concerned. We understand the settlement

was brought on by the kind offices of Father Conway, who, as a mediator, was occupied by both parties ; and, in justice both to Lord Plunket and Father Lavelle, we understand his task was an exceedingly easy one, as there was no disposition on either side either to concede too little, or to demand too much."

Lord Plunket's own organ, the *Mayo Constitution*, spoke in a similar strain, observing that the bishop only wanted to assert "his legal rights," and complimenting me on my "good sense" in obtaining the *nolle prosequi* in favour of Mr. Goodison.

Thus, whatever Lord Plunket intended within his own mind, it is manifest he left the people and the public under the impression that "peace was restored," and that a new card was to be played henceforth in the mountains of Partry.

Yet this very "settlement," so much rejoiced in by all good men, was only the first step with the bishop in a new war more fierce and deadly than ever ! !

Such was the excitement created by the ejectments, that men of all creeds and classes congratulated each other on their happy termination ; and in the fulness of my own satisfaction, and in order to relieve Lord Plunket of pain and anxiety, it was that I went into the Crown Court the same day, and, as stated, obtained the *nolle prosequi* in the case of Mr. Goodison, a thing I never would have done had I thought Lord Plunket would break through our settlement. But I soon discovered that I had been tricked. Three days after the assize, Mr. Faulkner, the agent, came to the parish, assembled the *sixty*, told them they were now in Lord Plunket's power, and that seventeen of them would be surely evicted. The poor people got alarmed, and I endeavored to appease them by saying Lord Plunket would not break his word. Some, however, shook their heads, and said that, as it depended on his word, they had little hopes of being unmolested. Again the agent came—and again the same threat—and again and again the same threat from the mouth of every bailiff, Bible-reader, and minister who propagate the Gospel at Tourmakeady. The event has verified the "broken pledge," and this moment there are wandering through the mountains of Partry, in sight of their once happy homes, *seventy* human outcasts at the hand of this Christian bishop—this man of God—this successor of St. Paul ! ! !

Let me now offer a few observations on these evictions. They took place on the 21st, 22nd, and 23rd November last, in violation of the settlement, already alluded to as having taken place in Castlebar last March. During the day and night of the 20th, the military and police continued to pour into the devoted district. The military, a company of the 20th regiment, came from the Curragh. The police were summoned from every part of the county. Sheriff and sub-sheriff, both escorted by a body of mounted police, made their appearance at nine o'clock on the morning of the 21st instant. In an hour after, they led their army of destruction knee deep through the flood into the remote and quiet village of *Derri-vina*. The military take up their position.

1. The sheriff, surrounded by the host of police, advances towards the house of Edward Joyce, whose land was striped. Himself and his wife and four shivering children are standing at the door. Resistance is useless. Just as useless as those big, crystal tears that stream down the mother's palled cheek, or those cries of the little ones that are echoed by the surrounding hills. Police are placed at each door; the sheriff enters, the occupants go out—the mother with a scream that reaches up to heaven; the father with a wild gaze and a curse, that he ever attempted to bring to justice the man whom he regarded as a murderer; the three little ones clinging to the father's knee, and looking up to him for protection from what they feel, but cannot know, to be some terrible calamity; and the infant at the breast, looking round even with a kind of infantine surprise and curiosity at this terrible array. Murphy, the head of the crowbar-brigade (based in Church street), is called by the sheriff. He in turn summons "his men;" each takes up his position. *Thug, thug, clank, goom* the crowbar, and crash come down the walls, gable, roof, and all.

2. Off and away, without taking breath, to the house of Pat Lally, whose land was striped, and against whom no man ever thought a criminal charge. Four in family, himself, his wife, and two little ones, are standing before the door. The same cry, the same anguish, the same preparatory movements, the same crash, and the same fate. Their little effects are flung on the dunghill. Who will have the courage to take them in to night?

3. Back from this to Tom Lally's. He and his wife are inside; the sheriff enters, orders them out. The house, they say, is theirs, they built it, and brought stones and lime many a long mile across lakes and through mountains to make it the neat abode it is. "No matter, out, out," cried the sheriff; "Murphy, do your work;" and Murphy and two more of "his men" seize on the woman, one by the hair of the head, two more by the body, and thus, my eyes looking on, drag her like a dog out of that lately happy home, and fling her on the dunghill. Meantime the "police" are called in, and, aided by half a dozen of Murphy's men, they seize on the man, fling him on the earth, press on him with their knees, and carry him bodily through the other door, and fling him likewise on the mire without. There they stand, the husband and wife, gazing at each other for an instant—the husband pale as death, and not able to breathe from the violence used towards him, the wife, brave woman, cheering him up with the cry, "Thank God, they cannot turn us out of heaven." The work is soon over there; and Tom Lally is told that if his little stock of hay and oats "is found in the haggard" to-morrow, it will be scattered to the wind. Twelve months ago he laid off Crump, the Scripture-reader. Crump then told him he would before twelve months be begging his (Crump's) pardon.

4. Off again go the "legal burglars." Again, with a devotion worthy of a better cause, do they wade the flooded stream. They cross to the house of John Boyle, whose land was striped, and whose crime was lending me a cart. The house is full of people. John

Henaghan. He, it was alleged, assaulted a "Scripture-reader." He, his wife, and children, are flung out—down came the gable and roof, and the *pregnant woman* passes the terrific night of rain and sleet with no covering but the canopy of heaven!

12. Lastly comes Patt Murray. Patt's son loved his mother as good sons ought. The Scripture-readers, Donnelly and Manion, came one day to Patt's house, and, as usual, began to "read the word" for the simple mother. Perceiving a scapular on her bosom, Donnelly sprang up, rushed upon her, and thought to seize the emblem of superstition, calling it "a dirty rag that ought to be cast into the fire, and put on by the d——l" (myself). The poor woman resented the outrage, seized a candlestick, and made the intruders fly. Her son went farther, and gave them a few knocks. For this he spent two months in gaol—and for this is the old couple now flung adrift on the world.

Such were the Partry evictions in their origin and circumstances. Never, perhaps, before were witnessed scenes of the kind more heart-rending. I pray God that such may never again be witnessed in Ireland. In any man they would be *cruel*, but in a "bishop" they are, as the *Times* calls them, "*a hideous scandal*."

Lord Plunket failed in his cherished attempt to proselytize wholesale his unfortunate tenants. He has selected the victims of his disappointment. Old age, youth, infancy, widowhood, orphanage, innocence, have all fallen under his revenge. Let us hope that his terrible example will be a lesson of Christian tolerance and charity to others of his kind.

They, with their families, made in all *sixty-eight human beings*, flung adrift in two days on the world's waste, the victims of intolerance and fanaticism. Next day was spent in *evicting the brute beasts*, in driving the cattle off the mountain and lands; and thus ended the three memorable days in Partry, 21st, 22nd, and 23rd November, 1860—Bishop Plunket landlord, and Victoria Queen of England—Garibaldi fighting for liberty in Italy, and a Protestant bishop driving Papist tenants out of their houses for their faith's sake in Catholic Ireland, under the free and "glorious English constitution"!!!

LIST OF TENANTS LATELY EVICTED.

Ned Joyce,	.	.	6 in family, land striped.
Patt Lally,	.	.	4 in family, do.
Tom Lally,	.	.	4 in family, do.
Ned Mara,	.	.	5 in family, do.

N.B.—He left the house that it might not be thrown down on his father's head.

John Boyle,	.	.	8 in family, land striped.
Martin Lally,	.	.	10 in family, do.
Michael Cavanagh,	.	.	7 in family, do.
Patt Murray,	.	.	5 in family, do.
James Henaghan,	.	.	5 in family, do.
Widow Lally,	.	.	4 in family, do.
Michael Henaghan,	.	.	7 in family, —
And the Two Widows,	.	.	3 in family, —

In all sixty-eight souls, the greater part of whom are roving about ever since in search of a place to shelter them at night.

All these tenants were duly served with a printed notice of the bishop's "earnest desire" to send their children to the proselytizing schools. They never heeded it before or after. They have been always steadfast, and they have now paid the penalty.

Martin Lally constantly refused sending his youngest child to school, telling Holmes the bailiff how about the boy's age, as though he were too young.

John Boyle acted a similar part, making one daughter impersonate another, and thus getting Holmes not to serve the "notice to quit," which he said he had in his pocket.

Michael Cavanagh's daughter told the same Holmes to "*take cradle and all*," the child being so young.

Michael Henaghan's daughter boasted on Miss Plunket (Mary) that she (the daughter) was beyond the years of learning. The parents made off from the colloquy.

Patt Lally spurned Crump the Scripture-reader, when the latter would fain prove to him, twelve months ago, the "abominations of Popery." The Scripture-reader then warned him that for his (Lally's) obstinacy he would be glad, before twelve months, to beg Crump's pardon.

Patt Murray's wife and son resented the outrage of another Bible-reader, Donnelly, who thought to seize her scapular and fling it into the fire. Lord Plunket avows that they are evicted for molesting the Scripture-reader on this occasion.

James Henaghan, ditto.

Thus the refusal to meet the "earnest desire," with the opposition to the personal demands of the bailiffs, ladies, Scripture-readers, etc., has met with its full retribution in the ruin of the unfortunate victims.

It must be borne in mind that Lord Plunket has, within the last few years, rooted out all the tenants of Gortfree and Gorteenmore, the two nearest villages to the Catholic church, so that there is not a single Catholic tenant now within about an English mile of that church but one, Thomas Sheridan, and he is "noticed to quit." A man of the name of Staunton had to yield up possession two years ago, but having left his child at school when all the others withdrew them, he has been undisturbed ever since, and got promises of land when the others would be evicted. Not alone "left undisturbed," but supplied with plenty of tillage land and the grass of a couple of cows. Such is the price of his own conscience and his child's faith.

I now leave it to the breast of every honest man in this empire—would the unfortunate victims lately driven from their homes be this day without a roof to shelter them, had they, too, become "converts," according to the fashion of Bishop Plunket?

Public opinion has already pronounced its decided voice against him. Only three papers in the empire dared to say a word in his defence, and they in doing so seemed rather to revel in the misery

induced by him, than to defend him on any principle of justice or humanity. In fact, they speak with absolute jocularity of the whole business. These are the *Express*, the *Irish Times*, and the *Mayo Chronicle*. Such, then, were the evictions in themselves and in their real origin.

As to the pretences put forward to justify them, they are once so silly, so absurd, and so self-contradictory, that they at once destroy themselves and convict their author.

Thus, 1st.—"Stripping the land" was put forward both in Lord Plunket's notice conveying his "earnest desire" to the tenantry, and in his attorney Mr. Martin's letter, as the ground of proceeding.

2nd.—That was abandoned lately, and a new set of pretences formed under sign manual of his lordship, in which there is not a word about stripping. Let me subjoin his own words :—

"To the Editor of the Freeman."

"Palace, Tuam, 20th October, 1860."

"SIR,—I have observed in your paper of this morning a reference to certain evictions which are about to take place on my property, and with respect to which I am charged by your correspondent with "a breach of faith." I feel that I cannot better answer this unfounded charge than by requesting that you will publish in your paper, in its entirety, together with my letter, the accompanying extract from a pamphlet which has just been published in reference to this very matter, by a gentleman with whom I have no personal acquaintance. For the truth of the facts contained in this extract, I myself am ready to vouch, and am willing to appeal to my agent, solicitor, and counsel for their confirmation of its correctness. In conclusion, I take this opportunity of stating, once for all, that none of the evictions which are about to take place are connected in any way with the question of religion, and that, having made this statement, I decline taking any notice of any further misrepresentations which may appear hereafter on this subject.

"I remain, sir, your obedient servant,

"PLUNKET."

"Names of the tenants who are to be dispossessed on the 1st of November, together with the reasons for evicting them."

"1. *Martin Lally*.—This man burned his land, contrary to the rules of the estate, of which he had been served with a copy, and when the surveyor went to measure the land which had been so burned, his sons interfered with him, and threw his chain over the ditch. One of his sons was convicted of assaulting the Scripture-readers; another is now waiting trial on the charge of murdering Harrison.

"2. *John Boyle*.—This man also burned his land, contrary to rule, and when brought before the magistrates for doing so, he

vexatiously summoned Lord Plunket to attend at the Ballinrobe petty sessions as a witness in his defence. His son was caught herding fifteen head of cattle on his lordship's grass, and was engaged with the priest in carting away the stones of Miss Plunket's house.

"3. *Michael Whelan* has two holdings, on one of which, contrary to rule, he has placed a sub-tenant, who was convicted of an assault on two Scripture-readers.

"4. *Edward Joyce* burned his land, and vexatiously summoned his lordship as a witness for his defence. He was tried on a gross charge of perjury at the last assizes, but the jury having disagreed, he is now awaiting further trial.

"5. *Thomas Lally* burned his land, and summoned his lordship as a witness.

"6. *Michael Henahan*.—Same as last.

"7. *Mary Lally*.—Same as last.

"8. *Sally Lally*,

"9. *Margaret Duffy*,

"10. *Martin Lally*,

} Squatters.

"11. *Patt Murray* was convicted of assaulting the Scripture readers.

"12. *John Prendergast*.—His son assisted the priest with horse and cart in removing the stones of Miss Plunket's house.

"13. *Michael Cavanagh* assaulted one of the Scripture-readers, and, contrary to the rules of the estate, has his son-in-law living with him.

"14. *Patt Lally (John)* burned his lands, and summoned his lordship as a witness."

Let Lord Plunket now have his choice. He put forward false reasons, and therefore stated what was not true, either when he pretended the STRIPING in his own "rules," or by the pen of his attorney, Mr. Martin, twelve months ago, or now, when under his own hand he assigns different reasons. But, to verify the saying, "*Mentita est iniquitas est sibi*," his agent came out a few days ago with an entirely different set of reasons, which I beg to furnish:—

"To the Editor of the Times.

"SIR,—As the agent of Lord Plunket, my attention has been directed to an article which appeared in the *Times* of the 27th inst., in which his lordship is severely criticized for evicting certain tenants from his estate, and also for evicting them at so inclement a season of the year as this present month of October.

"The writer of the article in question has entirely misunderstood the reasons which compelled Lord Plunket to adopt this course. It was not to recover rents, or because they were defaulters they were evicted, but because they had formed a lawless combination against the landlord and others of the tenants, and he

they were indentified with a system of outrage, conspiracy, incendiarism, perjury, and murder, that Lord Plunket was driven, in justice to the peaceable and well-disposed tenants, and for their protection, to evict those parties off his property."*

Here is a new discovery of reasons, quite distinct from stripping, burning, lending carts, having one's daughter living with one etc.; and, in reference to them, the *Times* justly says:—

"Outrage, conspiracy, incendiarism, perjury, murder, are crimes punishable by the common law; and if his tenantry have committed these, Lord Plunket should prosecute them to conviction; but his agent can scarcely mean that all—the old men, women and children—are equally guilty; and yet Lord Plunket applies to all alike a punishment which is as much too severe for the innocent as it is insufficient for the guilty."

Such is the *Times*' appreciation of this third set of reasons which are the grossest calumnies on the poor creatures evicted and for which, I apprehend, the writer will soon have to account before a judge and jury. I now, before the world, challenge Mr. Faulkner to name a single tenant guilty of "conspiracy, incendiarism, murder, or perjury." Yet, he charges every one of the unfortunate people as guilty of them all. Was ever the effrontery of assertion carried further? Take poor old Michael Cavanagh, eighty years of age,—whom did he outrage, murder, conspire against? Take old Widow Lally,—when did she return from beyond the seas for calling God to false witness, or get the royal reprieve for the murder of her kind? How daring! how impudent! But enough: his own contradictions and those of his master carry with them the sentence which every truthful man must pronounce against them, and that is conveyed in one word—and that I shall not write.

This, perhaps, may be regarded as very strong. But really, in the face of such glaring contradictions, I think nothing less can designate the pretexts. *Contrary* statements may be all false. *They cannot be all true*; and when the same man commits himself to such statements, he must abide the judgment which reason and truth ever pronounce upon them.

Protestant opinion has, I am happy to say, already pronounced itself on this sad subject. Journals whose politics are as poles asunder, have proclaimed the same judgment. The *Times*, that these evictions are "a hideous scandal;" that they remind "of a closed drain or some such nuisance;" that the bishop had rather "sit down and die, or throw himself on the charity of his diocese, than be guilty of them;" that from him "*at least*" was to be expected "an open palm and a gentle pressure, not a heave at the pick-axe and crowbar, and the crumbling of walls and thatch from which some old couple escape into the waste around."

* The agent had to make an abject apology, and pay a couple of hundred pounds costs, for this libel.

Thus the *Times* (4th Dec., 1860). May I now be permitted to insert in full the following from *Reynolds's Newspaper*, which in things religious and political has not much in common with the *Times*, but which boldly and honestly, though stronger than I would myself, speaks out its opinion about this "bishop burglar."

"A BISHOP BURGLAR.

"To the Editor of *Reynolds's Newspaper*.

"SIR,—This is rather an ugly heading for a letter. But for this, the blame must rest on the shoulders of the 'right reverend father in God' who has done, through his tools, the deed commonly known by the above designation. Burglary is generally understood to mean the violent breaking of a dwelling-house, against the consent, and to the peril and injury of the inmates. The implements of the common burglar are a mask, a dark lantern, and a crowbar. The right reverend housebreaker to whom I now refer, having obtained the sanction of the law for the perpetration of his burglary, is in a condition to dispense with the mask; and the deeds of violence being done in the broad daylight, it is obvious that he has no occasion for the lantern. But the crowbar would appear to be as essential to Bishop Plunket as to Bill Sykes. So, at least, the Irish newspapers—who have published to the world the existence and achievements of their consecrated and apostolic housebreaker—inform us. From one of those reports I transcribe a few sentences:—

"'Partry, Tuam, Nov. 21.

"'While I write, the sound of Bishop Plunket's crowbar rings in my ears. Three houses have already fallen, and the house of John Boyle is this moment coming down with a crash. It would wring the heart of the veriest pagan, the sight presented at this moment—just ten minutes before a beautiful house, now a mass of ruins. One man made an attempt at resistance, but, of course, in vain. He and his wife were dragged like beasts out of their neat and comfortable house, the abode of their fathers for several generations.'

"Bishop Plunket's pretext for these outrages on humanity is as ridiculous as his doings are inexcusable. Some of the poor people are alleged to have assaulted the 'Scripture-readers.' These fellows are known in Ireland as 'soupers,' because by means of soup tickets they endeavor to bribe the poor Irish into Protestantism. Now, if any man deserve to be assaulted and kicked out of one's house, it is the sanctimonious recruiting-sergeant, who attempts to make converts to his creed by appealing to the bellies of the needy and hungry people. This conduct on the part of the Irish 'father in God' suggests the question—from which of the

twelve apostles does he trace his descent? Is it from any of the eleven who went about preaching the Gospel to the world, without money and without price, and laboring for their daily bread with their own hands, lest they should be a burden to any one? Or does Bishop Plunket's spiritual genealogy mount up to, and originate in, that twelfth apostle, whose chief distinction was that he delighted in tilling and carrying the bag? Be this, however, as it may, there can be no doubt that his conduct in this matter of the breaking and levelling of the houses of the poor Irish peasantry, is calculated to fill the breast of every well-wisher of the Christian, and especially the Protestant form of, religion with the most serious and gloomy forebodings. If all the bishops acted like this one, we should be perfectly justified in arriving at the conclusion that their chief end and object was to make Christianity stink in the nostrils of every humane and upright person, and abolish the religion of the Cross from off the face of the earth. Indeed, it has long since been surmised that the object of those who first established Christianity by means of governmental protection and legal pains and penalties, was to deprive it of its heavenly characteristics, make it unfit for the social and moral amelioration of the degraded and miserable masses, and render its professed teachers the tools and accomplices of the crowned and coroneted plunderers, torturers, and enslavers of the working classes. Dean Swift, with a most profound and accurate estimate of human nature, declared that the surest and speediest method for abolishing Roman Catholicism in Ireland, would be for the government to make it the established religion, and thus enable the priest to maintain his pretension by the aid of the baton of the constable and the bayonet of the soldier, and appropriate every tenth pig by the authority of "queen, lords, and commons." The sagacious dean reasoned that the disgust inspired by this coercive sustenance of the clergy would have the effect of alienating the people from the state religion, and converting them to some other mode of worship. Dean Swift reasons from experience. He saw and felt that Protestantism—because it was the religion of the state—because all the physical pains and penalties, terrors and tortures, at the disposal of a powerful and an alien government, were employed to uphold it—was made utterly abhorrent to the people. He therefore drew the conclusion that the same diabolical means which had rendered Protestantism a stench, a pestilence, and a curse to the country, would be equally successful in bringing any other form of faith into the same degree of mingled detestation and scorn.

.

"Not so with the modern bishops. To the avarice of the fendal prelates they add the cowardice of civilized Sybarites. They are violent by proxy. They rob the widow, and plunder the orphan by crowbarred bum-bailiffs and cutlassed constables. They

break and level the houses of the poor and the helpless under the sanction of a mammon-made parliament. Under pretence of serving God, they do the vilest service of Satan. Under pretence of preaching Christ, they rob and starve those for whom, on their own showing, Christ lived and died. It is high time that these ferocious and cowardly prelates of the Plunket species should be deprived of the power which enables them to perpetuate their atrocities. The Irish Established Church is a disgrace to the British nation, a scandal and insult to true religion. Nor are its prelates of the Lord Plunket species likely to increase its popularity or usefulness by making their authority as landlords an instrument for religious persecution. King Bomba of Naples was not more the enemy of the human race than some of the Irish landlords. The Irish, poor devils! are taught to detest Garibaldi, but they have as great a need of him, or one like him, to rid them of the twofold vampyrism of plundering prelates and absentee landlords, as the late Bourbon-robbled natives of the Two Sicilies.

"NORTHUMBRIAN."

I might here fill a volume with extracts of a similar nature. But let the act speak for itself and for the "bishop."

I have now done, and I trust the fair and impartial statement of this case before the English public will have the desired effect of, in future, preventing such terrible scenes. Englishmen would not tolerate such work in England. The Welsh lady who, a month ago, attempted to coerce her tenantry into "supporting the Established Church," was soon made to feel that the attempt would only recoil on herself. Let the poor Irish tenant be treated with equal consideration. He has a soul and conscience. He loves his children and he loves his faith. In this country, which has a "free constitution," will he not be allowed to bring up those children in that faith? or will it be left in the power of the landlord to give such practical effect to his *earnest desire* for proselytizing the youth on his property, as I have shown Bishop Plunket to have given in the mountains of Partry?

Your faithful servant,

PATRICK LAVELLE

POPULATION AND TENURE

THE following remarks of Mr. Thornton are well worthy of reproduction :—

"A nation," writes he, "may be pre-eminent in power and grandeur, and equally distinguished in the arts of war and peace; native industry and foreign commerce may supply in abundance every requisite for ease and luxury; and to these solid materials of enjoyment may be superadded all the resources of literature and science: still, if these advantages contribute only to the happiness of a few, while the many are sunk in bodily and mental destitution, the lot of such a people is anything but an enviable one. With all their civilization and refinement, their condition would not be ill exchanged for that of the rudest horde of wandering Tartars, whose numbers are better proportioned to their means of subsistence. The balance of happiness is apparently in favor of the latter. . . . If the majority are wretched, no other epithet can properly be applied to the whole body."*

"The evil from which Ireland is suffering is not, properly speaking, scarcity of food. Quite enough is annually produced for the comfortable maintenance of all the inhabitants; but the misfortune is that most of the latter are too poor to buy what they require, and their share is consequently sent abroad. If an increase of produce were to take place, unaccompanied by an augmentation of the earnings of the working class, the principal effect would be that a larger quantity would become available for exportation. . . .

"Besides, it is not precisely an *extension* of the field employment that is most needed. Large as the number of agricultural families in Ireland may appear, it is not so great but that all might be fully occupied upon the land actually under cultivation, which, if equally divided among them, would allow, at least, fourteen acres to each.

"Fourteen acres are certainly quite enough for one family to manage, and one-third of the quantity would enable a family to live comfortably, and to pay an ample rent beside."

And he then thus explains the radical cause of Irish rural wretchedness :—

"It is not want of space, then, that prevents the whole of the peasantry from being comfortably provided for—the true cause is

* Thornton on "Over-population," pp. 4-5.

the defectiveness of the tenure by which land is held. The greater part of the tenants are tenants-at-will. Uncertainty of possession and exorbitant rents cramp the cottier's energy, and rob him of his needful substance; and the former cause prevents the larger holder also from making improvements and from employing the labor required for the proper cultivation of his farm. Nothing but leases on moderate conditions is requisite to make the Irish cottage farmers happy. At present they are a most miserable race, but their wretchedness arises from their being rack-rented tenants-at-will.*

"If parliament interfere at all, it should do so in a manner likely to be effectual—by a positive prohibition, for instance, of letting the land except on a lease. Such a measure might be scarcely warrantable in ordinary circumstances, but the state of Ireland is too critical for gentle treatment, and where the salvation of a whole people is at stake, punctilious deference to forms and ceremonies would be ridiculously out of place. The uncertainty of the tenure of land is the grand cause of the disorders by which Ireland is afflicted; and while this source of mischief is left unabated, it is vain to hope for any sensible improvement. The peasantry are quite right in assuming that some degree of 'fixity of tenure,' as they call it, is the one thing needful for them, and it would be absurd to withhold the appropriate remedy from any delicacy for the sensitiveness of the landlords. Its application would be the reverse of injurious to this class of men. The only compulsion to which they would be subject would be that of disposing of their property to the best advantage; and if the interference implied an inability on their part to manage their own affairs, a salve for the insult would be found in the growing value of their estate. A far more violent invasion of property established the reputation of one of the most celebrated Grecian worthies. When the Athenian lawgiver was invited to compose the strife between the nobles and the commons, he did not stop to inquire whether the burthens of the latter were legally imposed or not. He merely satisfied himself that they were far too heavy to be borne, and then proceeded forthwith to lighten them, and his 'disburthening ordinance,' which gave peace to his distracted country, has procured for himself the applause of all succeeding ages. If such a man were consulted respecting the state of Ireland, he would, doubtless, recommend an equally summary course. He would assume, as his premise, that the people must live, and as they cannot live without land, he would conclude that the use of land must be secured to them. Unluckily Solon is not archon of the British parliament."†

In reference to this legislation of Solon, I am tempted to furnish the following from Dr. Thirlwall's learned History of Greece, though it might have been more appropriately cited in the previous remarks about Greece:—

* Thirlwall on "Over-population," pp. 418-20.

† Ibid., 418-2.

“The government had long been in the hands of men who appear to have wielded it only as an instrument for aggrandizing and enriching themselves.

“They had reduced a great part of the class whose industry was employed in the labors of agriculture to a state of abject dependence, in which they were not only debarred from all, but, perhaps, a merely nominal share of, political rights, but held even their personal freedom by a precarious tenure, and were frequently reduced to slavery. The small proprietors, impoverished by bad times or casual disasters, were compelled to borrow money at high interest, and to mortgage their lands to the rich, or to receive them again as tenants upon the same hard terms as were imposed upon those who cultivated the estates of the great landholders.

“The laws made by the nobles enabled the creditor to seize the person of his insolvent debtor, and to sell him as a slave, and this right had been frequently exercised : numbers had been torn from their homes, and condemned to end their days in the service of a foreign master ; others were driven to the still harder necessity of selling their own children. One who travelled at this time through Attica, saw the dismal monuments of aristocratic oppression scattered over its fields in the stone posts (*σποι*) which marked that what was once a property had become a pledge, and that its former owner had lost his independence, and was in danger of sinking into a still more degraded and miserable condition.

“Such spectacles had frequently struck the eye of Solon, and they undoubtedly moved him no less than that which roused the holy indignation of the elder Gracchus against the Roman grandees.

“Those who groaned under the tyranny were only eager for a change, and cared little about the means by which it might be effected.

“But the population of Attica was not simply composed of these two classes.

“We have already noticed an ancient geographical division of the country, which, from time immemorial, had determined the pursuits and the character of its inhabitants, and this now separated them into three distinct parties, animated each by its peculiar interests, views, and feelings.

“The possessions of the nobles lay chiefly in the plains. As a body, they desired the continuance of the existing state of things, on which their power and exclusive privileges depended. But, as we have seen, there were among them some moderate men, who were willing to make concessions to prudence, if not to justice, and to resign a part for the sake of securing the possession of the rest.

“The inhabitants of the highlands, in the eastern and northern parts of Attica, do not seem to have suffered any of those evils which the rapacity and hard-heartedness of the powerful had inflicted on the lowland peasantry ; but, though independent, they were probably, for the most part, poor, and had, perhaps, been less

considered than their neighbors in the distribution of political rights.

"They generally wished for a revolution which would place them on a level with the rich; and, uniting their cause with that of the oppressed, they called for a thorough redress of grievances, which, they contended, could only be afforded by reducing that enormous inequality of possessions, which was the source of degradation and misery to them and their fellows. The men of the coast, who, probably, composed a main part of that class which subsisted by trade, by the exercise of the mechanical arts, and, perhaps, by the working of the mines, and now included a considerable share of affluence and intelligence, were averse to violent measures, but were desirous of a reform in the constitution, which should promote the prosperity of the country, by removing all grounds of reasonable complaint, and should admit a larger number to the enjoyment of those rights which were now engrossed and abused by a few.

"It is probable that the wiser nobles now regretted the blind eagerness with which their ancestors abolished the regal dignity, under which they might still, perhaps, have retained their power, even if they had been compelled to exercise it with great moderation.

"The people in general felt the need of a leader, and would have preferred even the despotic rule of one man to the tyranny of many lords. As Solon's established reputation pointed him out the person most capable of remedying the disorders of the state, so he united all the qualities which could fit him for coming forward as the protector of the commonalty, without exciting the fears of the nobles.

"His task consisted of two main parts. The first and most pressing business was to relieve the present distress of the commonalty. The next to provide against the recurrence of like evils, by regulating the rights of all the citizens according to equitable principles, and fixing them on a permanent basis. In proceeding to the first part of his undertaking, Solon held a middle course between the two extremes—those who wished to keep all, and those who were for taking everything away. The most violent or needy would have been satisfied with nothing short of a total confiscation of property, followed by a fresh distribution of it.

"They desired that all debts should be cancelled, and that the lands of the rich should be confiscated and parcelled out among the poor. Solon, while he resisted these reckless and extravagant demands, met the reasonable expectations of the public by his *disburthening ordinance* (*Εὐσηχία*), and relieved the debtor, partly by a reduction of the rate of interest, which was probably made retrospective, and thus, in many cases, would wipe off a great part of the debt; and partly by lowering the standard of the silver coinage, so that the debtor saved more than one-fourth in every payment. Plutarch (vol. 15) says he made mine to contain 100 drachms instead of 73. He likewise released the pledged

ERRATUM.

Page 17, *for Boyle read Eole.*

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